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A CONTEMPORARY GROWTH MANAGEMENT MODEL



Pioneer Valley
Planning Commission

June 1987

A Contemporary Growth Management Model

June, 1987

Submitted to
Amy S. Anthony, Secretary
Massachusetts Executive Office of Communities
and Development

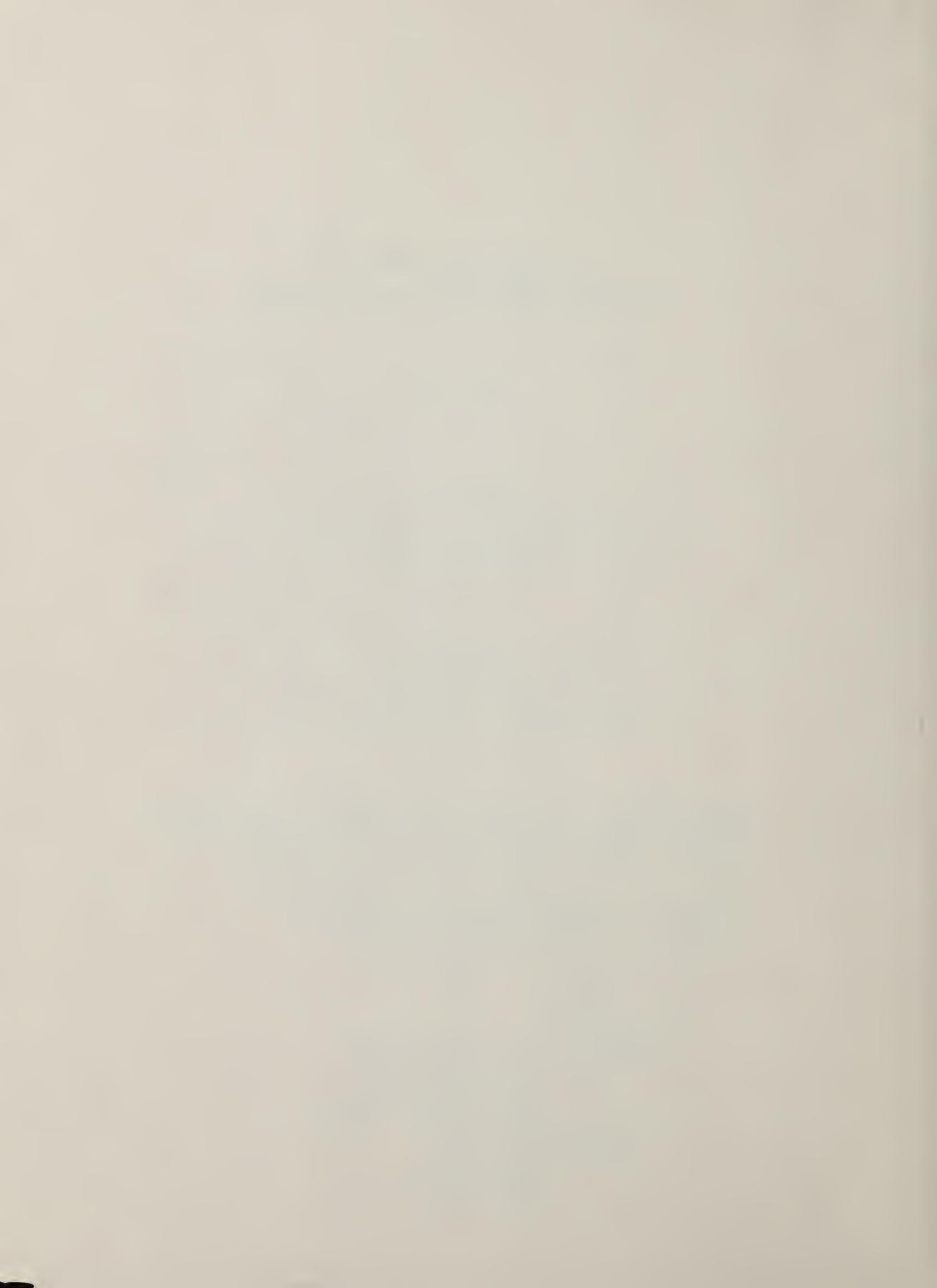
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Section I
Summary of
Growth Problems and Opportunities



Section I

SUMMARY OF GROWTH PROBLEMS AND OPPORTUNITIES

Massachusetts communities have been faced with an unprecedented development boom between 1982 and 1987. Falling bank interest rates coupled with low unemployment and a strong economy have unleashed a pent-up demand for housing and commercial development throughout Massachusetts. As a result, many communities in the Pioneer Valley region, as well as elsewhere throughout the Commonwealth, are facing growth and development pressures not seen since the suburban sprawl that characterized the 1950's and 1960's.

The development boom has created many problems for communities including: lack of affordable housing; increasing demands for limited public water; sewer and other services; traffic problems, loss of open space, farmlands and natural resources; uncontrolled or unaesthetic development; negative environmental impacts; and loss of community character. However, increased growth has also provided opportunities for better communities by forcing communities and developers to confront growth management issues and goals in an active and participative manner. It has provided the opportunity for communities to envision their future, and to plan creative growth management strategies to achieve their vision.

Purpose

This project, the design of a contemporary growth management model, has been undertaken by the Pioneer Valley Planning Commission in cooperation with the Town of Granby and with financial support from the Executive Office of Communities and Development through its State/Regional Grants Program. The project has been undertaken in response to the needs, both existing and anticipated, of smaller rural and suburban communities in the Pioneer Valley and across Massachusetts for innovative, up-to-date, responsive strategies to cope with and/or plan for the unprecedented levels of growth occurring in the state.

The intent of this report is to provide a handbook, useful and informative for volunteer town officials, describing contemporary growth management strategies which have been tested in a community situation for their effectiveness. The Town of Granby and its officials have worked with PVPC staff to help design and test the strategies discussed in this report. We gratefully acknowledge the efforts of Granby town officials who served on the Growth Management Committee, without whose dedication and commitment this work would not have been possible.

Growth and development have created many problems and pressures for communities around the Pioneer Valley and the state, which are discussed on the following pages using Granby as a case study. However, growth has also brought with it opportunities for improved growth management. Growth pressures have focused public awareness on the need for strategic planning to achieve each community's vision of the future.

GROWTH IN THE PIONEER VALLEY

The Pioneer Valley is a region which encompasses 1,179 square miles; spans two counties, Hampshire and Hampden, and has a population of approximately 600,000 people. It encompasses the second largest urban area in Massachusetts. The economy in the region has a firm manufacturing port base and is a regional center for government, educational and organizational services.

Regional Growth Pressures

The Pioneer Valley region has experienced a dramatic increase in the number of residential building permits. Between 1983 and 1986 there was a 186% increase in residential building permits in Hampshire County and a 140% increase in Hampden County¹. The 1980 census indicates that Hampshire County is the fastest growing county in Massachusetts after the Cape and Islands².

For the Pioneer Valley region the increase in development has brought with it an increase in the cost of land and therefore the price of housing. Groundwater pollution, traffic congestion, and pressure on environmentally sensitive lands are all consequences of rapid growth. The current building boom is not confined to any particular town or area, spanning the region, the Commonwealth and many parts of the nation. However, the negative impacts of growth hit hardest in the communities least prepared for growth: the small, rural communities without professional staff.

Property Values/Home Affordability

Property values in the Springfield area have increased an average 37% over the past two years³. The average price of a house in the Springfield Metropolitan area has increased from \$44,014 in 1980 to \$130,000 in 1987, an increase of more than 195%⁴. In the Town of Granby, in one year, the average price for a home rose 29% from \$71,647 in 1985 to \$91,583 in 1986.

CASE STUDY: GROWTH PROBLEMS AND OPPORTUNITIES IN GRANBY, MASSACHUSETTS

Description of Community

This report focuses on the Town of Granby as a case study in implementing a contemporary growth management mode. Granby is a residential and farming community in Hampshire County. Approximately 5,380 residents (1980 census) live within a 28.09 square mile area. The Town of Granby is part of the Springfield-Chicopee-Holyoke Standard Metropolitan Statistical Area and is located fourteen miles away from Springfield. Granby is bordered by the Holyoke Range and the Town of Amherst to the north, Belchertown to the east, Ludlow and Chicopee (Westover Air Force Base) to the south and South Hadley to the west. The terrain is generally flat with a large percentage of prime agricultural land (approximately 3,945 acres⁶). Granby does not have municipal water or sewer service, 90% of the Town is served by individual on-site wells and sewage disposal systems. The remaining 10% are served by

¹1987 Massachusetts Homebuilder's Association.

²Department of Revenue

³Department of Revenue 1987.

⁴ibid.

⁵Hampshire-Franklin Board of Realtors

⁶1986 Food and Agriculture Survey

outside public and private water systems. There are two major highways, Route 202 runs east-west through the center and Route 116 borders South Hadley to the north.

Growth Pressures in Granby

The pressure is increasing for this once rural farming community to become another bedroom suburb within the Springfield-Chicopee-Holyoke metropolitan area. Granby has experienced a surge in single family home development. Much of this growth has take place along main roads, disturbing what were once working farms and scenic vistas. However, thus far Granby, largely due to its lack of public sewer and water services, has been insulated from the extreme growth pressures which have all but consumed available farms and open lands in its neighboring communities. With buildable lands nearly exhausted in several of its neighbors, Granby is a town ripe for development.

RATE OF GROWTH

Building Permits for Granby

<u>Yr.</u>	<u>#</u>
1980	9
1981	10
1982	7
1983	23
1984	23
1985	31
1986	42
June, 1987	35

The rate of growth in Granby is exemplified by the escalation of building permits from 1980-1986. (Building permit totals do not reflect total subdivision and units.) In 1987 Granby had two subdivision proposals, it had been nearly ten years since the last proposal. Much of the new development is predominantly scattered along existing road frontage throughout Town.

Population Changes

The 1970 U.S. Census reported Granby's population at 5,473. The population for 1980 was 5,380, 93 persons less than 1970. There is a discrepancy between the decrease in population and the increase in housing stock. One reason for this may be that the size of the average household has decreased (fewer members per household), but the number of households has increased (many more single, two and three person households). The Massachusetts Institute of Social and Economic Research has projected an increase in Granby's population from 5,380 in 1980 to 6,253 in 1990, a gain of 873 persons.

Burdens of Town Officials

At Town Hall, many of the volneters, part-time Board members, are overburdened with the responsibilities of managing the increasing work load. For many, the increasing pace and sophistication of developments and increasing complexity of state and federal laws is a tremendous burden requiring great commitments of time and effort. Board of Health members must understand and keep up to date with technical sanitary codes and environmental

regulations. Planning Board members must understand engineer's plans, deal with the legal complexities of zoning bylaws, and be able to negotiate effectively with developers. The Building Inspector is often called upon to do a job that requires more than one person or more than part time status. Most importantly, town officials do not have access to the appropriate tools to help them manage growth. Because they are overburdened with pressing problems, they do not have the time to plan for the town's long-term future growth.

Impacts of Growth on the Granby School System

The Granby Public School System presently has 900 students. There has been a slight increase of 30 additional school age children over the past year or so. This same school system had 1800 students in the early 1970's. Though the facilities are not at capacity yet, the growth projections for the next few years indicate that there will be an increase in the number of school age children.

The Granby public schools are in need of total rehabilitation and modernization. Basic energy systems such as heating and lighting are in need of repair. Proposition 2 1/2 is one reason why the amount of money spent on the school system (in real dollars) has actually decreased from 1965 to 1985.

Impacts of Growth on Municipal Services

The Town of Granby is limited in its provision of municipal services. The Town has no public water and sewer system, 90% of the residents have individual on-site wells and sewage disposal systems. Many of the Town Board members and residents feel that if Granby were to provide public water and/or sewer the growth rate would increase substantially. This assumption is born out by high growth rates in many of the towns surrounding Granby which have municipal services including water and sewer.

The Board of Health responsibilities have increased substantially as the number of septic system percolation tests (150 for Spring 1987), housing complaints (from tenants and landlords), and wells being polluted (from sodium, temic, and nitrates) continues to rise. Members of the Board are expecting to see additional well pollution because of the high water table and coarse soils in the low-lying flat areas of Town. These two conditions make for a successful septic system percolation test yet offer little or no filtration of effluents. The minimum state standards for administering percolation tests were designed so that septic tanks would function without failures, not to prevent groundwater pollution.

An additional growth-related public service problem in Granby is the potential for increased drainage and runoff problems in new subdivisions due to high groundwater tables throughout town.


Housing Affordability

Real estate prices (1987) for Granby average around \$100,000 for a typical starter home. Housing prices range from the low 80's for a small ranch to the mid 200's for a farm house with some acreage. These prices seem lower when compared with the surrounding communities of Amherst, Belchertown and South Hadley. But, they reflect the more modest size and type of house which is predominant in Granby, and the fact that there is no municipal water and sewer services.

Commercial Viability

There has been an increase in business activity in the Town of Granby. New businesses, changes in use, and expansions of existing structures all account for this increase in activity. Currently there is a limited amount of available land left in the business zone. Quite a large percentage of the business and industrially zoned land is wetland. The business zone has been in place for quite some time and up until recently has not had the demand for expansion. With the tighter market rents that have begun to increase, some individuals are running businesses out of their homes.

While growth in the commercial sector is healthy, the need for design standards and development controls is also more obvious. The kind of development that has taken place there up until now has been without standards and consequently is fragmented and not aesthetically appealing. The commercial area would benefit greatly from a set of design controls that would encourage better management of resources, standardize siting and setback allowances, institute landscaping and buffering requirements and harmonize conflicting land uses.

- 
- ☐ Open Space Community Zoning
 - ☐ Multi-family Housing Zoning
 - ☐ Site Plan Review
 - ☐ Inclusionary Zoning
 - ☐ Commercial Development
Performance Standards
 - ☐ Water Supply Protection Zoning
 - ☐ Wetland Zoning
 - ☐ Land Banks and Trusts
 - ☐ Floodplain Zoning
 - ☐ Roadsalt Policies

Section II

Menu of Contemporary Growth Management Strategies

Section II

MENU OF CONTEMPORARY GROWTH MANAGEMENT STRATEGIES

Many communities that are now confronted by unprecedented levels of growth have neither adequate planning tools nor staff capacity to address contemporary growth management issues in an informed, objective and creative manner. Moreover, many of the severe growth restrictions that communities are choosing to employ in response to those growth pressures are having counter-productive results. For example, communities commonly respond to growth by adopting large lot zoning, which has had the result of encouraging sprawl, loss of community character and expensive municipal infrastructure and service costs. Similarly, building restrictions have frequently driven up the cost of land and housing which has further exacerbated the Commonwealth's affordable housing crisis.

The purpose of this section is to describe a menu of contemporary strategies which address growth and development goals common to many Massachusetts communities, including:

1. Encouraging a Variety of Housing Types
2. Preserving Community Character and Open Space
3. Protecting Natural Resources and Environmental Quality
4. Promoting Quality Commercial and Industrial Development

In order to provide communities with the resources necessary to meet these goals, a series of options is provided, ranging from zoning and subdivision regulations to land acquisition techniques and affordable housing programs. Each of the strategies presented has the common characteristics of being:

- readily understood by volunteer boards
- effective and innovative in addressing contemporary growth problems
- enforceable or affordable in rural or suburban communities

This section is intended to provide an overview of the wide range of strategies available, while Section III contains a model growth management plan including sample bylaws.

Goal: Encourage A Variety of Housing Types

Many local zoning bylaws in Pioneer Valley communities allow residential development only in the form of single family homes on frontage lots of 20,000 to 40,000 square feet. Such zoning ultimately tends to encourage uniform rows of single family homes lining streets throughout the community. Increased flexibility in zoning controls can allow the siting of single family homes in a more creative manner which is sensitive to natural landscape features, preserves open space, and provides a more visually attractive development. And while there is clearly a need for single family homes, many communities are finding a need to create a wider range of housing types to serve their elderly, first-time homebuyers, empty nesters and other socioeconomic groups. The approaches described in the following section provide flexible development alternatives for achieving a greater diversity of housing types.



MULTI-FAMILY RESIDENTIAL ZONING

- Type of Measure:** A residential zoning overlay district which permits multi-family dwelling units through a special permit and site plan review process.
- Method of Adoption:** Adoption requires a two-thirds majority vote of Town Meeting.
- Enabling Legislation:** Bylaw must be consistent with Mass. Zoning Enabling Act, M.G.L. Chapter 40a.

Problem Addressed

In spite of the mid-1980's building boom, the dream of home ownership is still a distant reality for many Massachusetts residents. Rapidly escalating costs for land and housing have widened the gap between home prices and the purchasing power of middle or low-income persons. In order to provide housing opportunities for persons of all income and age groups, communities need to increase zoning flexibility to allow a variety of housing types.

Moreover, Massachusetts communities must comply with Chapter 774, also known as the "Anti-Snob Zoning Law". Chapter 774 requires that a community must provide a fair share of low and moderate income housing, or must insure that its local regulations do not hamper construction of such housing. Therefore, the adoption of a multi-family bylaw is the first step in fair housing compliance.

Description

The intent of the multi-family bylaw is to allow relatively intensive use of the land while at the same time maintaining existing community character; to introduce variety and choice into residential development; and, to meet housing needs. By allowing flexibility in the zoning regulations through the Special Permit process, a community can maintain its existing character while simultaneously providing needed housing.

By adopting multi-family zoning as an overlay district, communities can allow multi-family residences in appropriate zoning districts on sites which meet stringent siting criteria. This approach allows multi-family housing to be incorporated into the fabric of a community rather than relegated to an established "multi-family district".

Using a combined special permit and site plan review process, communities can establish performance standards which must be met in siting a multi-family development in order to reduce its impact on the surrounding neighborhoods and on the environment.

Bylaw Provisions and Standards

In establishing special permit criteria and site plan review standards, communities can ensure that multi-family developments have the following features or provisions in order to minimize community impact:

- adequate and safe roadway access
- sufficient parking for residents and visitors
- landscaped buffer areas between buildings and adjacent properties
- reserved open space for passive recreation
- sewage disposal systems which will not adversely affect groundwater
- adequate water supply and utilities
- architectural style compatible with town and neighborhood character
- flexibility in determining a minimum lot size sufficient to meet existing site conditions and sewage disposal needs.



OPEN SPACE COMMUNITY ZONING

Type of Measure:	A residential zoning overlay district which uses a special permit and site plan review process to allow clustering of single family homes in return for protection of significant adjacent areas of open space.
Method of Adoption:	Adoption requires a two-thirds majority vote of Town Meeting.
Enabling Legislation:	Bylaw must be consistent with the Mass. Zoning Enabling Act, M.G.L. Chapter 40a, Section 2 ("Cluster Zoning") and Section 9.

Problem Addressed

Many communities are experiencing a loss of open space and rural character as a result of extensive development of single family homes along available frontage lots. The intent of an open space community bylaw is to maintain rural character; to preserve open space for conservation and recreation; to introduce variety and choice into residential development; to meet housing needs; and, to facilitate economical and efficient use of public services while encouraging well-designed developments with accessory recreational facilities.

Description

Open space or cluster development replicates the traditional New England village setting. New Englanders brought the concept of the village cluster over from England where new development is still built this way today. There are many reasons why cluster development has continued through the years including: 1) efficiency in land use; and 2) preservation of natural features. More efficient use of land in a cluster development results in lower costs of development, roads and infrastructures and lower municipal costs for providing maintenance and services. Clustering allows the preservation of natural features by minimizing the impact of development on open spaces, scenic waterways, trees, slopes and wildlife areas.

An open space/cluster bylaw allows for more flexible, creative developments. It can benefit both the community, by preserving open space and promoting more attractive developments, and benefit the developer by reducing development costs.

In an open space community, all land within the parcel boundaries that is not designated for roads or other development is conveyed to the Town as a park or open space. The land may also be conveyed to a non-profit organization for the conservation of open space.

Bylaw Provisions and Standards

For open space communities, it is important to adopt regulations which ensure the proper, long-term maintenance of common open space areas, utilities and other shared facilities. Zoning standards should address the following issues:

- minimizing the size and environmental impact of communal septic systems;
- criteria for determining the allowable number of dwelling units and required amount of space;
- lands which qualify to meet open space requirements;
- ownership and use of common open space;
- establishment of a homeowner's association to be responsible for the long-term maintenance of common open space, communal septic systems (or sewer lines), water systems and other facilities.



ELDERLY AND HANDICAPPED CONGREGATE RESIDENTIAL ZONING

Type of Measure:	A residential zoning overlay district which permits congregate elderly or handicapped dwelling units through a special permit and site plan review process.
Method of Adoption:	Adoption requires a two-thirds majority vote of Town Meeting.
Enabling Legislation:	Bylaw must be consistent with Mass. Zoning Enabling Act, M.G.L., Chapter 40a, Section 9.

Problem Addressed

Elderly and handicapped persons often have specialized housing or care needs which can best be met in a congregate housing environment. Congregate housing can provide for shared facilities such as kitchen facilities or special care facilities.

Description, Bylaw Provisions

The concerns in developing special permit criteria and site plan review standards for elderly and handicapped congregate housing are essentially identical to the concerns described in the previous section on "Multi-family Residential Zoning".



ACCESSORY APARTMENT ZONING

- Type of Measure:** A zoning bylaw which permits the addition of an accessory apartment to an existing residential dwelling.
- Method of Adoption:** Adoption requires two-thirds majority vote of Town Meeting to amend zoning bylaw.
- Enabling Legislation:** Bylaw must be consistent with the authorization of the State Zoning Enabling Act, M.G.L., Chapter 40A.

Problem Address

Despite the increase in residential development, many households are finding it difficult to locate appropriate housing. Recent financial activity in the development industry has encouraged construction of single-family structures as the primary housing type. As a result, fewer rental units are being constructed. Many households not considering homeownership at this time are finding rental units less available and more costly. In addition, the household formations are changing and households are becoming smaller. More households are composed of older couples, single persons, married couples without children, and single parents with children. This increase finds many Massachusetts communities willing to develop a mix of traditional and innovative residential bylaws to promote a variety of housing types. The accessory apartment bylaw can assist a community in meeting its residents' changing household needs.

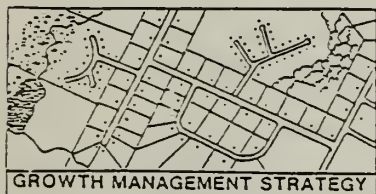
Description

An accessory apartment is a separate dwelling unit located on the lot of an already existing single-family house. Sometime referred to as a "Mother-in-law" apartment or "conversion", this unit is typically smaller in size and appearance than the main unit and includes a bathroom and kitchen. Although it shares the same lot, an accessory apartment may or may not be attached to the main unit. For example, a detached garage may be converted or an apartment may be added in the basement of a single-family home. The creation

of accessory apartments increases the development of small affordable units in a tight rental market, permits increased density in existing residential districts while maintaining neighborhood character, encourages more variety in residential development, and offers an opportunity to meet housing needs.

An accessory apartment bylaw can be permitted via special permit. Special permits may be issued when uses are in harmony with the general purpose and intent of the law.

The zoning bylaw would require a special permit from the local board designated in the bylaw as the Special Permit granting authority. A permit may be granted only after the developmental proposal is in compliance with all applicable zoning bylaw provisions and requirements and a public hearing or hearings is/are held.



INCLUSIONARY ZONING FOR MIDDLE INCOME HOUSING

- Type of Measure:** A zoning bylaw which offers incentives to encourage and promote the construction of affordable housing through a special permit process.
- Method of Adoption:** Adoption requires a two-thirds majority vote of town meeting or council to amend the zoning bylaw.
- Enabling Legislation:** The town bylaw must be consistent with the Mass. Zoning Act, Chapter 40a, Section 9.

Problem Addressed

As housing costs increase faster than income levels, many people are finding themselves priced out of the traditional market rate home. The size of the average household has decreased in recent years creating the need for more units with a diversity of types and sizes. Federal subsidies which used to aid in the construction of lower and middle income units are no longer available. Because of these changes in housing needs and monies available, some communities have developed strategies that use a combination of local incentives and state resources to encourage private developers to contribute to the production of more middle income housing.

Description

Typically, an inclusionary housing bylaw requires residential developers who are seeking density increases to allow for multi-family developments or a minimum number of percentage of units within their developments for moderate income housing. A developer provides a certain amount of moderate income housing in return for additional density beyond what is allowable by right for a given project. The required units do not have to be part of the on-site development; they can be located in another part of town if this is feasible.

Flexibility is the key to a successful inclusionary housing program. The municipality must be careful not to forfeit community values. The environmental impact and the cost to the community must be weighed against the need to compensate the developer. Bonused projects should not contradict overall planning objectives. This technique is most suited for those communities with strong residential markets.

Inclusionary housing programs must be financially feasible. For example, if the requirements are too strict, the program will not generate enough units to make it worthwhile. Cost should not be a factor in a community's decision to have or not have this program because there are state and federal subsidies available to share in the cost.

Complimentary State and Federal Programs

There are state and federal subsidy programs that can help maximize the number of potential inclusionary units. These programs are:

- EOCD Chapter 667/706 State-Aided Elderly and Family Housing Programs
- HUD/EOCD Section 8 Rental Assistance and Housing Rehabilitation Program
- EOCD Chapter 707 Rental Assistance Program - Provides rental subsidies to low income households to enable them to live in the private rental market.
- EOCD Mass. Housing Partnership Homeownership Opportunity Program - Financial and technical assistance to aid local housing initiatives with affordable housing.

Summary

The inclusionary housing program cannot provide for all the affordable housing needs but, as part of a comprehensive effort it will increase housing choices and alternatives available to those middle income households.

Goal: Preserve Community Character and Open Space

Communities in the Pioneer Valley are fortunate to have retained a beautiful and rich landscape fabric woven of historic homes and buildings on town commons, tilled fields and pastures, and scenic vistas of woods, lakes and streams. These components together make up what is known as "community character". Community character adds to property values and overall quality of life, a major reason why people choose to live in the Pioneer Valley.

In the 1980's, community character and open space are in grave danger of becoming extinct species in rapidly growing Massachusetts communities. Uncontrolled and unattractive residential and commercial development threaten to forever change rural and historic community qualities and eliminate open space and scenic areas which make the Connecticut Valley landscape unique.

Working farms, already vanished from many sections of Massachusetts, thrive in the rich Connecticut Valley soils. However, increasing land prices and burgeoning housing construction threaten to lure farmers off the land.

Communities, with good planning and innovative programs, can act to protect rural and historic character and to preserve a critical mass of farms necessary to maintain an intact, working landscape. The following sections describe strategies to help achieve these goals, while allowing for needed housing and other development.



AGRICULTURAL PRESERVATION ZONING

Type of Measure: Agricultural Preservation Districts are overlay zones with special restrictions for development. The purpose of the Districts is to minimize loss of prime farmland while allowing for new concepts of residential development to provide landowners with a reasonable return on their holdings.

Method of Adoption: The Agricultural Preservation District will be delineated on a map "Agricultural Preservation Districts" on file at the Town Clerk's office. Adoption requires two-thirds majority vote of Town Meeting to amend the zoning bylaw.

Enabling Legislation: The bylaw must be consistent with the authorization of the state zoning enabling act, MGL Chapter 40A.

Purposes

The purposes of the Agricultural Preservation District are to:

1. Protect prime agricultural lands for future food production.
2. Maintain an adequate agricultural land base to ensure continued economic

viability for local agriculture and the availability of agricultural support services.

3. Preserve scenic, historic and other farming-related values which help define the character of the Town's culture and landscape.
4. Allow landowners a reasonable return on the value of their holdings while protecting the majority of existing farmland for use by future generations.
5. Promote and protect the practice of farming.

Description

Agricultural Preservation Districts are overlay zones with permitted uses and uses by special permit. The permitted uses include those activities associated with farming. The uses by special permit include development of any non-farm residences. All residential subdivisions that require approval under M.G.L. Chapter 41 must follow special guidelines for layout and site design, and are required to have Site Plan Review approval from the Planning Board.

The special layout and site design requirements may include:

1. locating buildings and roads away from the soils that are most productive (of prime and state and local importance);
2. grouping together structures on the site into one or more groups and separating them from each other and other adjacent properties by permanently protected open space;
3. creating a landscaped buffer between residential and agricultural areas.

Summary

This flexible and innovative zoning technique permits development, if it must occur, on farmland but keeps the most productive land in continued agricultural use.



AGRICULTURAL INCENTIVE DISTRICTS

- Type of Measure: Massachusetts' new Right to Farm Law authorizes municipalities to establish agricultural incentive areas for the purpose of protecting and promoting farming as the dominant and preferred land use within these districts. It is intended to protect farmers from development pressures, nuisance complaints and conflicts associated with growing residential areas.
- Method of Adoption: In order to establish an Incentive Area, a local committee comprised of farmers and town officials must

develop a plan which delineates a proposed district and evaluates the characteristics of the farms within it. The district is made official by the approval of the Department of Food and Agriculture and a two-thirds majority vote at town meeting.

Enabling Legislation: The incentive area must be consistent with M.G.L. Chapter 40L, Agricultural Incentive Areas, otherwise known as "Right to Farm Law".

Benefits of Voluntary Participation

Participation in this program is completely voluntary and farmers who join an agricultural incentive area are eligible for certain benefits in return for their agreement to place some minor restrictions on the sale of their property. Benefits for participating farmers include: assessment under Chapter 61A for reduced property taxes, exemption from assessment under Chapter 61A for reduced property taxes, exemption from special or betterment assessments while in farming, priority eligibility for Agricultural Preservation Restrictions, and increased protection from nuisance suits. (Under M.G.L. Chapter 11, Section 125A, farmers are protected only against nuisance suits involving odors. The Right to Farm Law protects them from suits resulting from any normal farm operation.) However, no land within the district may be sold without notifying the town and the Department of Food and Agriculture. The Town and DFA have a first refusal option to purchase the property at the asking price.

Preserving Farm

Agricultural Districting programs are generally popular with farmers in other states. Districts seem to instill in them an enhanced sense of community in being part of a cooperative effort to maintain farming as a way of life. This in turn builds political strength and organization. The establishment of agricultural districts can also signify the non-farming community's recognition of the importance of farming and farmlands. It says "we want to keep a viable farm community in our town".



SCENIC OVERLAY DISTRICTS

Type of Measure: A zoning overlay district intended to protect against visual aesthetic, and physical degradation of the environment in designated scenic areas. Similar regulations have also been adopted as state legislation (i.e. Berkshire Scenic Mountains Act, M.G.L. Chapter 131, Section 39a).

Method of Adoption: Adoption requires a two-thirds majority vote of Town Meeting or Council to amend the zoning bylaw. The bylaw must be consistent with the authorization of the State Zoning Enabling Act, M.G.L. Chapter 40A.

Enabling Legislation: Bylaw must be consistent with the Massachusetts General laws Chapter 40a.

Purpose

The purpose of a scenic district is to regulate certain alterations of land which may have significant effects on natural resources or scenic qualities. The overlay district can be written to regulate those alterations of the land which may cause pollution of the ground or surface water supply (public or private); erosion; substantial changes in topographic features; destruction of vegetation; flooding; or other visual/aesthetic degradation.

Description

Scenic overlay districts are areas within a community where extra protection of resources is needed. The overlay districts are superimposed over the existing zoning districts to provide an additional means of protection. All proposed development will be scrutinized for potential effects on the environment. The development proposals must comply with both the underlying and overlay zoning requirements.

Examples of Regulations

The following major areas could be addressed in scenic area regulations:

1. Alternations to the environment:

- control removal, excavation, or dredging of soil, sand, gravel, or aggregate material of any kind;
- regulate changing of pre-existing drainage characteristics, sedimentation patterns and flow patterns;
- control removal or destruction of plant life, including cutting of trees;
- regulate drainage or disturbance of existing water courses or water table;
- prevent substantial change in topographic features;
- regulate change in the physical, biological or chemical characteristics of water;

2. New residential or commercial development:

- design or architectural guidelines for new structures;
- establishment of screening or buffer areas for new development;
- standards for landscaping or site treatment;
- controls on relationship of new structures to the site and adjoining properties;
- regulations for amount of paved or impermeable surfaces;
- controls on signs, lighting and other street hardware;
- prevent building on very steep slopes, wetlands, or other sensitive lands.

3. Encouraging land uses which maintain scenic qualities:

- promote and protect farming, forestry practices;
- encourage passive and active recreation uses;
- direct growth to less critical and sensitive areas.

Goal: Protect Natural Resources and Environmental Quality

The protection of key natural resources such as water supply aquifer recharge areas and watersheds, wetlands, and floodplains are priority goals for many communities. These resources are most frequently the victims of rapid or haphazard growth.

The protection of water supplies is of critical importance if we are to continue to enjoy both our present quality of life and the benefits of growth. In Massachusetts, forty-seven communities have had public water supplies closed due to contamination in the past two decades. The closings represent the temporary or permanent loss of 105 public wells or reservoirs across the state. Many communities have lost private wells in far greater numbers to pollution. The sources of contamination include industrial chemicals and wastes, road salts, pesticides, leaking petroleum storage tanks and landfills.

Floodplains and wetlands are important natural resources which protect communities from economic damages and possible human injury due to floods, and provide valuable wildlife and plant habitat. These resources are threatened by development pressures in communities without adequate local regulations or enforcement of state and federal laws.



RESOURCE PROTECTION STRATEGIES FOR WATER SUPPLIES, FLOODPLAINS AND WETLANDS

- Types of Measures:** The establishment of zoning overlay districts for resource protection can provide communities with an extra level of protection for critical resource areas such as water supplies, floodplains, and wetlands. The overlay zones are superimposed over the existing zoning districts, creating an additional "layer" of regulations. Development proposals in protected resource areas must comply with both the underlying and overlay zoning requirements.
- Methods of Adoption:** Adoption of zoning overlay districts requires a two-thirds majority vote of Town Meeting or Council. Adoption of town bylaws (i.e. wetlands or hazardous materials) requires a majority vote of Town Meeting. Adoption of town or city policies (i.e. road salt) requires a majority vote of the Board of Selectmen or Council.
- Enabling Legislation:** Zoning bylaws must be consistent with the Massachusetts Zoning Enabling Act, M.G.L. Chapter 40a. Hazardous materials and underground storage tank bylaws can be adopted under the authority of M.G.L. Chapter 40, Section 21, and must be consistent with Massachusetts Fire Prevention regulations 527 CMR 9.00. Wetlands bylaws must be consistent with the Massachusetts Wetlands Protection Act M.G.L. Chapter 131, Section 40.

Description

The purposes of resource protection zoning are manyfold, including: to minimize environmental hazards; protect public health and welfare; promote farming; retain open space and rural community character; and, protect environmentally unique landscapes. Resource protection zoning requires careful mapping of natural resources and assessment of threats to those resources. After assessing these issues, communities can design protection strategies which are specific to the critical resource areas of the community and which respond to potential threats to each resource.

Examples of Resource Protection Strategies

WATER SUPPLY PROTECTION ZONING

Surface and groundwater resources are threatened with potential contamination from many sources including landfills, septic systems, businesses which generate hazardous wastes, roadsalts, and gasoline storage tanks. Most of these potential pollutants are not adequately addressed by state or federal laws. However, Planning Boards can design regulations such as zoning overlay districts to help protect aquifer recharge areas.

The first step in designing a protection strategy is to develop a detailed map of the aquifer recharge area for municipal wells and watershed areas for municipal reservoirs. This task will generally require outside assistance from a hydrogeological consultant or regional planning agency. The extent of the recharge and watershed areas will serve to define the boundaries of the zoning overlay district. It is important, therefore, that the map be based upon sound analysis of hydrogeologic data. Useful data sources in this mapping process include U.S. Geologic Survey surficial geology and watershed maps, consultant studies for municipal wells, private well driller's logs, and Department of Environmental Quality Engineering groundwater overlay maps. The second step in the process is to evaluate existing and potential surface and groundwater contamination sources. Once a planning board knows where its watershed or aquifer recharge area is located, it can begin to evaluate the potential water supply contamination from existing businesses, industries and residences in that area. A Planning Board should also look at the existing zoning for lands within the water supply area to evaluate potential development trends. Potential contamination sources which should be investigated include: landfills, junkyards, underground storage tanks, businesses and industries which use hazardous materials, septic systems, pesticide spraying and highway salt application.

The final step is designing a water supply zoning overlay district tailored to the Town's specific needs. The new district is established to protect the primary aquifer recharge and watershed areas identified in the mapping process. A detailed hydrogeologic map highlighting the water supply zoning district can be adopted as part of the zoning bylaw by reference. New regulations can be adopted to prohibit particularly hazardous land uses, create larger lot sizes in unsewered areas, restrict sand and gravel removal and underground storage tanks, control drainage recharge, and allow certain business or industrial uses through a stringent special permit process.

ROAD SALT POLICIES AND HAZARDOUS MATERIALS BYLAWS

Other strategies which can be used to protect water supplies include the adoption of roadsalt policy statements or hazardous materials regulations. Roadsalt policies, designed to minimize the environmental impacts of roadsalt

application and storage practices, can be adopted by the Board of Selectmen. Municipal bylaws establishing controls on the storage of hazardous materials and on underground petroleum storage tanks can be adopted by a majority vote.

FLOODPLAIN MANAGEMENT

In the Connecticut River basin, floods still cause an average \$15 million in economic damages yearly and these costs are steadily increasing. Floodplains are valuable to communities because they provide a temporary storage area for floodwaters which have overtopped the main channel of a river or stream. Floodwaters can then be slowly released through surface discharge, evaporation or percolation to groundwater. The protection of floodplains is important in minimizing the damaging affects of floods, and reducing the severity of floods.

The building of a structure in a floodplain area not only places that structure in danger of flood damage, but also increases the overall severity of flooding. Each structure built in a floodplain incrementally eliminates flood storage area or restricts flows, thereby increasing the extent, level and severity of flooding and increasing damage to public and private property.

Planning Boards can help protect floodplains through developing effective floodplain zoning to preserve natural flood storage area and reduce the severity of floods. Floodplain zoning bylaws can be designed to prevent development within the floodplain that might increase flood levels or velocities or cause flood damages due to unanchored materials. Zoning can prohibit filling or dumping, storage or floatable equipment or structures, and hazardous land uses, such as landfills, junkyards or hazardous waste storage, from floodplain areas. Finally, zoning bylaws should insure that developments are in conformance with State Building Code requirements for floodproofing. In addition, subdivision regulations can be designed to insure adequate drainage systems, protection of public utilities from flood damage, and to require base flood elevation data. Model subdivision regulations have been developed by the Federal Emergency Management Agency.

WETLANDS PROTECTION BYLAWS

Adopting a local wetlands protection bylaw would provide increased control over activities that are not regulated in the State Wetlands Protection Act. The 1968 Inland Wetlands Protection Act regulates dredging, filling, removing and altering. But, municipalities may want to control alteration from a distance; for example, drainage into wetlands from projects physically outside of the area itself. A local wetlands protection bylaw could provide local regulation and greater protection of wetlands in the following areas:

- provide Conservation Commission over isolated wetlands (i.e. vernal or seasonal ponds with amphibian habitat) which are currently unregulated by the Massachusetts Wetlands Protection Act;
- establish a one hundred foot buffer zone (afforded by the Act to many wetland resource areas) for land subject to flooding;
- provide greater protection for wetland values such as recreation, aesthetics and wildlife which are not regulated by the Act;
- increase coordination between town boards on wetlands protection.

Goal: Promote Quality Commercial and Industrial Development

Commercial and industrial development are highly sought after goals of many communities because they can reduce local real estate tax rates, provide local jobs, and boost the local economy. However if not carefully planned and controlled, business and industrial growth can adversely affect communities. Uncontrolled commercial strip development along highway corridors can significantly alter community character in a provision of fast-food restaurants, signs and parking lots. Failure to adequately plan for economic development can have severe impacts on public services such as sewer and water capacities, and can adversely affect traffic safety and movement, in worst cases leading to gridlock. Environmental quality can be damaged if standards are not set for noise, storage of hazardous materials, erosion, storm water runoff and related issues.

In order to fully benefit from economic growth, communities must carefully plan for where that growth will occur, what form it will take, and how to minimize adverse community impacts. The following section describes local strategies that can help to achieve quality commercial and industrial growth.



SITE PLAN REVIEW

- Type of Measure: A zoning bylaw requiring the submission of a site plan for commercial, industrial and, in some cases, large-scale residential developments.
- Method of Adoption: Adoption requires two-thirds majority vote of Town Meeting or council to amend zoning bylaw.
- Enabling Legislation: Bylaw must be consistent with the authorization of the State Zoning Enabling Act, M.G.L. Chapter 40.

Problem Addressed

As a municipality grows and expands it must often absorb substantial and varied new development. Usually, developers are sensitive to the characteristics of their project sites and adjacent properties, but occasionally a development occurs where careless planning results in environmental, traffic, or safety problems. The consequences of such a development are felt by the entire community. The site plan review process provides a mechanism for a municipality to ensure that proposed developments provide adequately for access, circulation, parking, utilities, landscaping and protection of important resources, before a special permit or a building permit is issued.

Description

A site plan review is a tool used by the planning board to help assure that all structures and uses are developed in a manner that considers community needs. The following are examples of issues that can be addressed through site plan review:

- Traffic circulation and pedestrian safety
- Architectural and design features, scale of buildings
- Integration of development into the existing terrain
- Adequacy of water supply and sewage disposal systems
- Prevention of groundwater and surface water pollution, flooding
- Demands on town services and infrastructure
- Screening or buffering of unsightly uses
- Prevention of conflicts between residential, commercial and industrial uses
- Minimizing odors, noise, glare and other environmental impacts

Authority of Reviewing Board

Like subdivision control, site plan review does not afford the reviewing authority the power to reject a project that meets established criteria. In other words, any project that meets site plan review standards must be approved. A project that does not meet review standards can be approved subject to conditions or modifications imposed by the Board to bring it into compliance. The Planning Board could require a developer to post a bond or security to assure imposed conditions are met.

The site plan review process can be an effective tool to prevent unattractive, careless or haphazard development. In operation, it can ensure development of consistently high quality which would enhance the image of the community.



COMMERCIAL CORRIDOR STANDARDS

Type of Measure: The purpose of this district is to promote quality commercial growth and provide for a superior environment along major transportation corridors through the application of performance standards for commercial development and landscaping.

Method of Adoption: Adoption requires two-thirds majority vote of Town Meeting or Council to amend the zoning bylaw.

Enabling Legislation: Bylaw must be consistent with the authorization of the State Zoning Enabling Act, M.G.L., Chapter 40A.

Description

Commercial corridor zoning regulations can increase local control over development along highways to reduce the problems associated with traditional "strip development". They can encourage compatibility of new development, support and complement existing land uses and establish a positive design image for the future. An important purpose for commercial corridor zoning is to ensure that new roadside development does not create further traffic management problems and safety hazards in town, and that appropriate uses for land are encouraged for the remaining undeveloped parcels along the highway. With the commercial corridor bylaw, a community can promote environmentally sound development by establishing layout and design standards and maintain scenic quality by buffering and landscaping requirements.

Bylaw Standards and Provisions

A proposed development should provide for safe access to and from public and private roads. Particularly along major highways and thoroughfares, safe access should be assured by providing the adequate number and location of access points, with respect to sight distances, intersections, schools, and other traffic generators. "Curb cuts" should be limited to the minimum number and width necessary to provide for safe entering and exiting. Curb cuts on heavily travelled roads can be minimized by encouraging common driveways and entranceways serving adjacent lots or premises, by clustering businesses or using loop roads, or by encouraging access from side streets. A proposed development can provide safe interior circulation within its site by separating pedestrian and vehicular traffic and providing adequate parking and loading areas.


Communities can also set commercial development standards in the following areas:

- Landscaped buffer strips along public roads, parking lots, and adjacent to residential areas;
- Screening for exposed storage and utility areas;
- Controls on the size, placement, height, lighting, materials, and aesthetics of signs;
- Parking and loading requirements;
- Performance standards for erosion control, stormwater run-off, noise, odor and related environmental impacts;
- Architectural design standards, particularly in historic areas, to ensure compatibility of new development with surrounding properties in terms of scale, height, window size, roof pitch, etc.

Summary

In many communities, highway corridors have been historically zoned for business and play a major role in the town's commercial development. Without proper rules to govern the location and pattern of commercial development, a haphazard mix of less desirable uses will almost certainly arise. Therefore, a development strategy is needed to ensure that new commercial ventures are:

- a. Located in areas where land use and traffic conflicts will be minimized.
- b. Designed and landscaped in a manner which will be compatible with community character will maintain an attractive business district, and promote quality commercial development to expand the town's tax base.

- 
- ☐ Open Space Community Zoning
 - ☐ Multi-family Housing Zoning
 - ☐ Site Plan Review
 - ☐ Inclusionary Zoning
 - ☐ Commercial Development
Performance Standards
 - ☐ Water Supply Protection Zoning
 - ☐ Wetland Zoning
 - ☐ Land Banks and Trusts
 - ☐ Floodplain Zoning
 - ☐ Roadsalt Policies

Section II

Menu of Contemporary Growth Management Strategies

Section III

CASE STUDY : GROWTH MANAGEMENT ACTION PROGRAM FOR THE TOWN OF GRANBY, MASS.

BACKGROUND

The Town of Granby was selected by the Pioneer Valley Planning Commission for the case study to develop a local Growth Management Action Program because the community had, among other things:

- significant existing and potential growth problems;
- participated actively in regional planning efforts;
- made a commitment to form an active Growth Management Committee and ensure public participation;
- made a commitment to work towards adoption of an innovative growth management strategy;
- a willingness to make a local financial commitment toward the project.

PUBLIC PARTICIPATION

In April 1987, Granby Selectmen appointed a Growth Management Committee consisting of:

Bryan Hauschild, Board of Selectmen
Owen Jacobsen, Board of Selectmen
Cindy Watson, Board of Selectmen
Marc Desrosiers, Planning Board
Joseph Snopek, Planning Board
Roberta Green, Finance Committee
William Johnson, Conservation Commission
Thomas Malone, Board of Assessors
Marie Quirk, Historical Commission
Bill Berglas, Public Schools

The Growth Committee immediately began meeting on a bi-weekly basis to formulate a growth management strategy and rewrite the Town's zoning regulations. Each meeting addressed a separate component of the growth strategy, including one meeting which was an open public discussion of farmland preservation strategies with the Town's farming community.

GOALS AND OBJECTIVES

PVPC undertook a survey of all Town board members, and the Growth Committee used survey results to formulate the following goals and objectives to guide the project.

Goal #1: The preservation of Granby's rural character and quality of life.

- a. Promote farmland preservation through actively assisting the Department of Food and Agriculture in the Acquisition of farmland under the Agricultural Preservation Restriction and the Agricultural Incentive Area programs.
- b. Develop zoning bylaws that provide for the protection of open space and preservation of Granby's rural character.

Goal #2: The provision of flexible development options that encourage a variety of housing types.

- a. Develop a cluster/open space community bylaw to diversify development options and preserve open space.
- b. Develop a multi-family zoning bylaw by special permit that will provide opportunities for flexible development and housing needs.
- c. Develop a site plan and design review process that specifically addresses multi-family housing.

Goal #3: The protection of Granby's resources and environmental quality.

- a. Develop an aquifer protection overlay district to protect groundwater from contamination.
- b. Protect from development those lands designated as unsuitable for development.
- c. Continue to develop alternative road salting practices in areas identified as susceptible to sodium contamination in groundwater.

Goal #4: Modify existing business and industrial zoned areas in Town.

- a. The provision of area(s) through the zoning bylaw that are suitable for business development including light manufacturing, service industries and/or distribution centers, in order to broaden the Town's tax base and promote quality business growth.
- b. Refine the sign bylaw by combining it with a commercial overlay district bylaw to ensure that the highest and best uses for the land are encouraged for the remaining undeveloped parcels along the highway.

PROCESS DATA COLLECTION, ANALYSIS AND MAPPING

PVPC staff conducted an audit of Granby's existing growth and development trends. (This data is summarized in Section I). PVPC staff also assessed the adequacy of the Town's existing zoning and subdivision regulations to deal with growth and development pressures. Weaknesses, inconsistencies and unclear areas of these regulations were summarized in a memo to the Growth Committee. Further, PVPC staff prepared a series of work maps illustrating Granby's past, existing and future growth trends and its natural resource and landscape characteristics. These maps were used to produce three final reproducible maps:

- Buildable Lands in Granby
- Land Use and Development Trends in Granby
- Water Supply Protection District, Town of Granby

These maps were designed as working tools for Town board members and for use in a series of public informational meetings on the growth management strategy.

GROWTH MANAGEMENT STRATEGY

As a result of the extensive discussions, public input, data analysis and mapping, the Granby Growth Management Committee has drafted a detailed Growth



Management strategy. The full text of this strategy is contained in the following sections, and can be summarized in the following major components:

1. Recommended Changes to the Granby Zoning Bylaw

- a. Re-format the zoning bylaw to improve clarity, completeness and consistency.
- b. Adopt a Schedule of Use, Dimensional and Density Regulations
- c. Adopt a revised Floodplain District
- d. Adopt a Water Supply Protection District
- e. Adopt an Agricultural Preservation District
- f. Adopt a Multi-Family Dwelling Bylaw
- g. Adopt an Elderly and Handicapped Congregate Housing Bylaw
- h. Adopt Performance Standards for Business and Industrial Uses
- i. Adopt Commercial Development and Landscaping Standards
- j. Adopt an Estate Lot Bylaw
- k. Revise and update Special Permit procedures
- l. Revise and update Site Plan Approval procedures
- m. Extend the boundaries of the commercial and industrial districts

2. Recommend Non-Zoning Growth Management Strategies

- a. Town commitment toward the Mass. Agricultural Preservation Restriction Program
- b. Initiate an Agricultural Incentive Area
- c. Petition the Legislature to establish a Land Bank
- d. Adopt a Wetlands Protection Bylaw

GRANBY GROWTH MANAGEMENT STRATEGY

Part One

PROPOSED ZONING AMENDMENTS



TOWN OF GRANBY ZONING BYLAW

Proposed Amendments

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SECTION I - AUTHORITY, PURPOSE AND DEFINITIONS

1.0 AUTHORITY

The Town of Granby Zoning Bylaw is hereby adopted pursuant to the Zoning Act, Chapter 40a of the Massachusetts General Laws. The construction, alteration, location, use and extent of use of lands within the Town of Granby are hereby regulated as provided in this Bylaw.

1.1 PURPOSE

The purpose of this Zoning Bylaw is to promote the health, safety, convenience and general welfare of the inhabitants of the Town of Granby, to protect the community and its natural resources, to conserve the value of land and buildings, to encourage the most appropriate use of land within the town, to encourage housing for all income levels, to facilitate the adequate provision of public services, to secure safety from fire, flood and other dangers, and to provide the Town with the protection authorized by the Massachusetts General Laws, Chapter 40a, as amended.

1.2 DEFINITIONS

For the purpose of this Bylaw, the following words shall have the meanings given hereinafter: Where appropriate, the singular shall include the plural and the plural the singular; the words "used" or "occupied" include the words "designed", "arranged", "intended", or "offered", to be used or occupied; the words "building", "structure", "lot", "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory. Terms and words not defined herein but defined in the Subdivision Control Law shall have the meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Unabridged Dictionary.

Accessory Building - A building customarily incidental to a principal building on the same lot or on an adjoining lot under the same ownership, and not attached to the principal building by any covered or roofed structure.

Accessory Use - The use of a building or premises which is customarily incidental to a principal permitted use.

Alteration - A change in or addition to a building or structure.

Aquifer - Geologic formation composed of rock or sand and gravel that contains significant amounts of potentially recoverable potable water.

Building - A combination of any materials forming a roofed enclosure intended for the shelter of persons, animals, or property, including any part of a building and porches and accessory buildings attached thereto.

Building Coverage - The percentage which the aggregate area of all buildings on the lot bears to the area of the lot.



Building Height - The vertical distance from the average finished grade at the front of the building to the highest point of the top story in the case of a flat or mansard roofs, including the top of a parapet, or to the mean level between the plate and ridge for gable, hip, or gambrel roofs.

Building Inspector - The Board of Selectmen or their duly authorized agent.

Building Setback Line - A line parallel to the street at a distance equal to the required front yard or at a greater distance when otherwise legally established by the Town or by private covenant.

Camping Unit - Tent, collapsible tent trailer, motor home, pick-up camper, truck cap, and travel trailers of twenty-four (24) feet or less.

Club - A bona-fide membership organization established under provisions of the General Law.

Congregate Elderly and Handicapped Housing - A building or buildings arranged or used for the residence of persons age fifty-five (55) or older, or for handicapped persons, as defined in Chapter 121B of the Mass. General Laws, with some shared facilities and services.

Dwelling - A building occupied as a residence by one or two families.

Dwelling Conversion - The conversion of a one-family dwelling existing at the time of enactment of this bylaw into a two-family dwelling.

Dwelling, Multi-Family - A building containing more than two but not more than six dwelling units with separate sleeping, cooking and sanitary facilities.

Dwelling, Two-Family - A building containing two dwelling units. Only one such building shall be developed on any one lot.

Dwelling Unit - One or more living or sleeping rooms arranged for the use of one or more individuals living as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities.

Family - Any number of individuals related by blood, marriage, or adoption, living together as a single housekeeping unit, provided that a group of not more than seven persons keeping house together, but not necessarily related by blood or marriage, may be considered a family.

Farm - A parcel or parcels of land under one ownership or lease, said land being common and totaling not less than five (5) acres in area on which farming operations can be carried on to produce a minimum living income.

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PHILOSOPHY DEPARTMENT

PHILOSOPHY 101

LECTURE 1

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Fast Food Establishment - An establishment whose primary business is the sale of food for consumption on or off the premises which is: a) primarily intended for consumption rather than for use as an ingredient or component of meals; b) available upon a short waiting time; and c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

Fence - A man made barrier intended to prevent escape or intrusion or to mark a boundary.

Farm Business - Business established for the processing, display or sale of farm products, fifty percent (50) of which must have been raised or produced on the premises or elsewhere in the Town of Granby.

Frontage - The distances specified, measured at the setback line between side lot lines; or, on a corner lot, the distance at the setback line between the side lot lines and the intersecting street line. Lot frontage for each lot shall be on a public way.

Garage, Private - A building or part thereof used for the storage of motor vehicles and accessory to a principal building on the same lot.

Groundwater - All the water found beneath the surface of the ground.

Habitable Area - The floor area of the living space for the exclusive use of a single family in a dwelling or in a dwelling unit. Living space shall not include porches, breezeways, garage, basement, and any unfinished or community areas, and shall be measured as net area, or as gross area less twelve percent (12%) for partitions and walls. Any area with less than six and one-half feet (6 1/2 ft.) clear head room shall not be considered habitable.

Hazardous Waste - A waste which is hazardous to human health or the environment. Hazardous wastes have been designated by the U.S. Environmental Protection Agency under 40 CFR 250 and the Regulations of the Massachusetts Hazardous Waste Management Act, Massachusetts General Laws Chapter 21C.

Home Occupations - A use which is customarily and may properly be carried on for compensation entirely within a dwelling or accessory building.

Livestock - Shall mean domestic animals, including horses, ponies, cows, sheep and goats.

Lot - A single area of land in one ownership defined by meets and bounds or boundary lines on a deed recorded in the Registry of Deeds, Hampshire County, or drawn on a plan approved under the Subdivision Control Law, or on a plan endorsed by the Planning Board stating "Approval not required under the Subdivision Control Law", or words of similar import.

Lot Coverage - The portion of a lot which is rendered impervious to rainfall, including but not limited to structures, pavement and permanent accessories.

1. The first part of the paper discusses the importance of the study and the objectives of the research.

2. The second part of the paper describes the methodology used in the study.

3. The third part of the paper presents the results of the study.

4. The fourth part of the paper discusses the implications of the study.

5. The fifth part of the paper concludes the study.

6. The sixth part of the paper discusses the limitations of the study.

7. The seventh part of the paper discusses the future research.

8. The eighth part of the paper discusses the conclusions of the study.

9. The ninth part of the paper discusses the implications of the study.

10. The tenth part of the paper concludes the study.

11. The eleventh part of the paper discusses the limitations of the study.

12. The twelfth part of the paper discusses the future research.

13. The thirteenth part of the paper discusses the conclusions of the study.

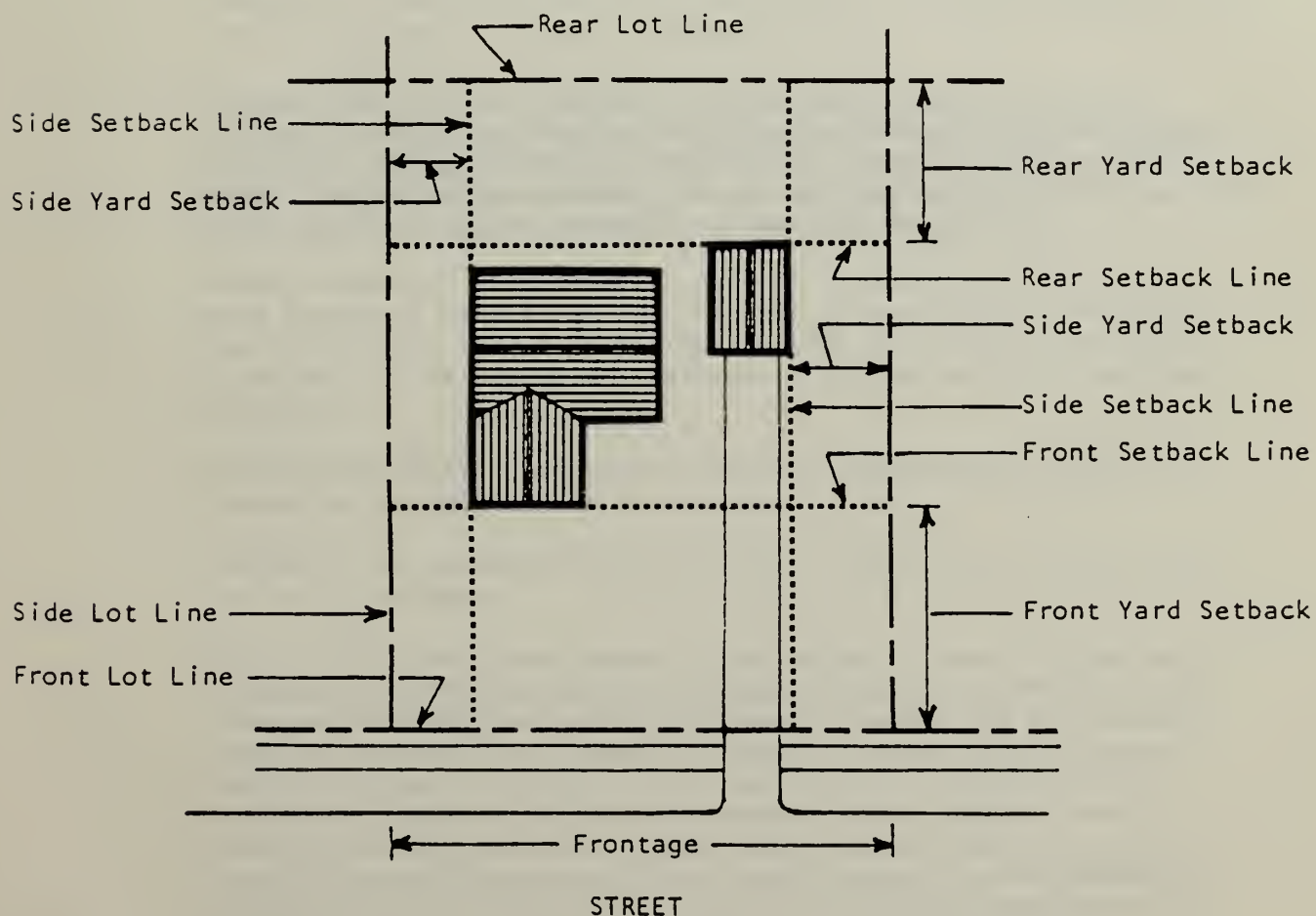
Lot, Through - A lot other than a corner lot which extends all the way between and abuts two or more generally parallel streets.

Lot Line - The established division line between lots or between a lot and a street.

Lot Line, Front - The property line dividing a lot from a street (right-of-way). On a corner lot the owner shall designate one street line as the front lot line.

Lot Line, Side - The line or lines bounding a lot which extend from the street toward the rear in a direction approximately perpendicular to the street. In the case of corner lots, or through lots, all lines extending from streets shall be considered side lot lines.

Lot Line, Rear - The lot line opposite the front lot line.



Motel-Motor Hotel - A building designed and used for lodging transients in non-housekeeping units with not less than twelve units in any one building. One permanent housekeeping dwelling unit is permitted for occupancy of a manager or custodian. Rooms for assembly, a swimming pool for the use of guests, and the serving of food shall be deemed to be accessory uses.



Non-Conforming Building - A building legally existing at the effective date hereof, but which does not conform to all of the applicable requirements of this bylaw regarding area and width of lot, frontage of lot, percentage of building coverage, required yards and parking facilities and building height limits.

Non-Conforming Use - A use of land, building, or premises which is not a use permitted by the provisions of this bylaw for the district in which such land, building, or premises are situated, but which was legally existing at the effective date hereof.

Outdoor Advertising Board - The Outdoor Advertising Board of the Commonwealth of Massachusetts or any board or official which may hereafter succeed to its powers or functions.

Person - Shall include an individual, corporation, society, association, partnership, trust or other entity, public or private.

Premises - The portion of a lot or building actually in use for the specific purpose or under consideration.

Primary Aquifer Recharge Area - Areas which are underlain by surficial geologic deposits including glaciofluvial or lacustrine stratified drift deposits or alluvium or swamp deposits, and in which the prevailing direction of groundwater flow is toward public water supply wells or potential sites for such wells.

Private Stable - A building or part of a building in which one or more horses or ponies are kept for the private use of the owner, and in which no horses or ponies are kept for sale, rent, hire, breeding, or for commercial cartage, trucking, or other business purposes.

Radioactive Waste - Any waste material or substance which is a source of ionizing or non-ionizing radiation.

Setback - The distance required from a street line to the nearest wall of a building.

Sign - Any object constructed of any material that is intended or designed to advertise or call the attention of the public to the premises to a product made, displayed, or sold, and to services rendered thereon, or to identify the building or the occupants thereof, or any privately owned permanent or temporary device, billboard, placard, painting, drawing, poster, letter, word, banner, pennant, insignia, trade flag, or representation used as, or which is in the nature of, an advertisement, announcement, or direction which is on a public way or on private property within public view of a public way, public park or reservation.

Sign, Accessory - Any sign that advertises, or indicates the person occupying the premises on which the sign is erected or maintained, or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter.

Sign, Area of -

- a. The area of a sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting structure or bracing.
- b. The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest quadrangle or triangle which encompasses all of the letters and symbols.
- c. The area of a sign consisting of a three-dimensional object shall be considered to be the area of the largest vertical cross-section of that object.
- d. In computing the area of signs, both sides of V-shaped signs, but only one side of back-to-back signs, shall be included.

Sign, Non-Accessory - Any sign not an accessory sign.

Sign, Temporary - Any sign, including its supporting structure, intended to be maintained for a continuous period of not more than one-hundred (100) days in any calendar year.

Sign, Standing - Any accessory sign that is not attached to a building.

Street - A legal public way accepted by the Town giving access to private property and to which the public has access, but excluding an alley used for service access only.

Street Line - The dividing line between a street and a lot, and in the case of a public street, the street line established by public authority.

Structure or Accessory Structure - A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall for a structure, tent, reviewing stand, platform, bin, flagpole, mast for radio antenna or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part or parts thereof".

Subdivision - Including resubdivision, shall be as defined in the Subdivision Control Law.

Swimming Pool - A body of water eighteen (18) or more inches in depth below grade at any point in an artificial or semi-artificial receptacle or container, permanent or temporary, whether located indoors or outdoors, used or intended to be used for public, semi-public, or private swimming by adults or children or both, whether or not any charge or fee is imposed for such use, and includes all structures, appurtenances, equipment, appliances, and all other facilities appurtenant to or intended for the operation

and maintenance of a swimming pool, and also all pools operated and maintained in conjunction with or by clubs, community associations, and motels.

Swimming Pool, Family - A swimming pool used or intended to be used only by the owner or lessee thereof and his family and by his friends invited or permitted to use it without payment of any fee.

Swimming Pool, Semi-Public - A swimming pool to be used by a non-profit organization of not more than two-hundred (200) persons living in the immediate vicinity of the pool.

- a. A semi-public pool shall be operated under a set of bylaws which include safety rules, limited guest privileges, as well as regulations to keep the use of said pool from becoming objectionable to the abuttor and neighbors, or a general nuisance.
- b. Sufficient provision shall be made on the property in which the pool is located for off-street parking for all members or their guests.

Trailer - Any vehicle, or object on wheels and having no motive power of its own but which is drawn by or used in connection with a motor vehicle and which is so designed and constructed, or reconstructed, or added to by means of such accessories as to permit the use and occupancy thereof for human habitation, whether resting on wheels, jacks, or other foundations and shall include a type of vehicle commonly known as mobile home, which shall be defined to mean a dwelling unit built on a chassis and containing electrical, plumbing, and sanitary facilities and designed to be able to be installed on a temporary or permanent foundation.

Use - The purpose for which a structure or lot is arranged, designed or intended to be used, occupied or maintained.

Yard - A required open space, unoccupied except as herein permitted, between a principal building and a street or a lot line.

Yard, Front - A yard extending between lot side lines across the front of a lot adjacent to each street the lot adjoins.

Yard, Rear - A yard adjacent to the rear lot line and extending between side lot lines.

Yard, Side - A yard adjacent to the side lot line and extending from the front yard to the rear yard.

SECTION II - ZONING DISTRICTS

2.0 TYPES OF DISTRICTS

For the purposes of this Bylaw the Town of Granby is hereby divided into the following types of use districts:

RS-RESIDENTIAL - SINGLE FAMILY UNITS
RM-RESIDENTIAL - MULTI-UNIT DWELLINGS
GB-GENERAL BUSINESS
I-INDUSTRIAL DISTRICT
MD-MUNICIPAL DISTRICT
FWD-FLOODPLAIN DISTRICT
WSP-WATER SUPPLY PROTECTION
AP-Agricultural Preservation

2.1 DISTRICT LOCATIONS AND BOUNDARIES

The locations and boundaries of districts, except for the Water Supply Protection District, the Floodplain District and the Agricultural Preservation district, shall be shown on a map entitled Zoning Map of the Town of Granby, Mass. dated February 25, 1974 as amended from time to time by a vote of the Town Meeting. The Floodplain District is defined on maps described in Section 4.0. The Water Supply Protection District is defined on a map described in Section 4.1. The Agricultural Preservation District is defined on a map described in Section 4.2. All said maps are hereby deemed to be a part of this bylaw, the originals of which shall be on file with the Town Clerk.

1. Where boundaries are indicated in the right of way streets or watercourses, such boundaries shall be the centerline of the right of way.
2. Where boundaries approximately follow property lines and are not more than twenty-five feet (25 ft.) therefrom, the property line shall be the district boundary, with the exception of the Water Supply Protection District and the Floodplain District wherein boundaries shall always follow natural features and landscape contours shown on the maps.
3. Where boundaries are parallel to a street or road and fixed by dimensions on the zoning map, the distance shall be measured from the center line of such ways.
4. Where distances are not specified on the zoning map nor otherwise determined from the above provisions, the scale of the zoning map shall be used to determine the location of the district boundary.
5. Where the location of a boundary line is uncertain, the Building Inspector shall determine its position in accordance with the distance in feet from other lines as given or as measured from the scale of the map.

SECTION III - USE REGULATIONS

3.0 SCHEDULE OF USE REGULATIONS

- 3.00 Except as provided elsewhere in this bylaw, no building or structure shall be erected or altered, and no building, structure or land shall be used for any purpose other than as provided for in this section.

The restrictions and controls intended to regulate development in each district are set forth in Table 1, Granby Schedule of Use Regulations. The following notations apply to the Schedule of Use Regulations:

<u>Y</u>	<u>Yes - Use Permitted</u>
<u>SP/PB-SPA</u>	<u>Use allowed by Special Permit from Planning Board with Site Plan Approval</u>
<u>SPA</u>	<u>Use allowed with Site Plan Approval</u>
<u>SP-ZBA-SPA</u>	<u>Use allowed by Special Permit from Zoning Board of Appeals with Site Plan Approval</u>
<u>SP-ZBA</u>	<u>Use allowed by Special Permit from Zoning Board of Appeals</u>
<u>N</u>	<u>No - Use Prohibited</u>

Uses permitted and uses allowed by special permit or by site plan approval shall be in conformity with all density and dimensional regulations and any other pertinent requirements of this bylaw.

3.01 Prohibited Uses

Any use not specifically or generally listed herein or otherwise permitted in a district shall be deemed as prohibited. The following uses shall be prohibited in all districts:

- a. Trailer camps or parks providing locations and service facilities for house trailers except as provided for in Section 3.028. An individual trailer may be located on a lot provided it is not used as living quarters while so located.
- b. Junk yard dump and auto graveyard.
- c. Billboards.

GRANBY SCHEDULE OF USE REGULATIONS

BYLAW NUMBER	LAND USE CLASSIFICATION	STANDARDS & CONDITIONS	ZONING DISTRICT				
			RS	RM	GB	I	MD
3.02	<u>GENERAL USES</u>						
3.020	Agriculture, horticulture, floriculture, viticulture		Y	Y	Y	Y	Y
3.021	Commercial, livestock, dairy, poultry farm		Y	Y	Y	Y	Y
3.022	<u>Farm business, commercial greenhouse</u>		Y	Y	Y	Y	Y
3.023	Forestry, wood harvesting, tree farm, nursery		Y	Y	Y	Y	Y
3.024	Conservation land		Y	Y	Y	Y	Y
3.025	Commercial boarding stable, riding academy	Shall have not less than ten (10) acres of suitable land.	SP/ZBA-SPA	N	N	N	SP/ZBA-SPA
3.026	Commercial golf course		SP/ZBA-SPA	SP/ZBA-SPA	N	N	SP/ZBA-SPA
3.027	Commercial landing strip or heliport		SP/ZBA-SPA	N	N	N	SP/ZBA-SPA
3.028	Commercial recreational camping for transient guests.	No camping unit shall be used for more than sixty (60) days in any ten (10) month period.	SP/ZBA-SPA	N	N	N	SP/ZBA-SPA
3.029	Commercial hunting, fishing or ski grounds	Shall preserve the open character of land situated easterly of Amherst Road/Street and northerly of Batchelor Street on the north, Porter Street on the west, Aldrich Street on the south, and Amherst Street on the west.	SP/ZBA-SPA	N	N	N	SP/ZBA-SPA
3.03	<u>RESIDENTIAL USES</u>						
3.030	Single family detached dwelling.		Y	Y	Y	N	SP/ZBA
3.031	<u>Single-family dwelling on estate lot</u>		SP-ZBA	SP-ZBA	N	N	N
3.032	<u>Multi-family dwelling</u>	Subject to restrictions set forth in Section 5.0-Special Use Regulations for Multi-Family Uses	SP/PB-SPA	SP/PB-SPA	SP/PB-SPA	N	N

BYLAW NUMBER	LAND USE CLASSIFICATION	STANDARDS & CONDITIONS	ZONING DISTRICT							
			RS	RM	GB	I	MD	FWD	WSP	AP
3.033	Dwelling conversion		N	N	N	N	N	N	N	N
3.034	Mobile home, trailer, camper.		N	N	N	N	N	N	N	N
3.035	Room rental	Taking of boarders and/or roomers not to exceed four persons by a resident family.	Y	Y	Y	N	Y	N	N	Y
3.036	<u>Congregate housing for the elderly or handicapped.</u>	<u>Subject to restrictions set forth in Section 5.0 -Special Use Regulations for Congregate Housing</u>	<u>SP/PB -SPA</u>	<u>SP/PB -SPA</u>	<u>SP/PB -SPA</u>	N	N	N	N	N
3.037	<u>Open Space Community</u>	<u>Subject to restrictions set forth in Section 5.1 -Special Use Regulations for Open Space Communities</u>	<u>SP/PB-SPA</u>	<u>SP/PB-SPA</u>	N	N	N	N	N	<u>SP/ZBA -SPA</u>
3.038	Dwellings in the Industrial District	Residential uses permitted only where accessory to a permitted industrial or agricultural use, such as the quarters of a watchman.	N	N	N	Y	N	N	N	N
3.039	Dwellings & house-keeping facilities for employees and non-paying guests of owner or lessee in an accessory building.		SP/ZBA	N	N	N	N	N	N	N
3.04	<u>GOVERNMENT AND PUBLIC SERVICE USES</u>									
3.040	Government administration building		N	N	N	N	SPA	N	N	N
3.041	Public utility administration building.		N	N	N	N	SPA	N	N	N
3.042	Fire or police station		N	N	N	N	SP/ZBA -SPA	N	N	N
3.043	Municipal dog pound		N	N	N	N	SP/ZBA -SPA	N	N	N
3.044	Municipal highway department and accessory uses.		N	N	N	N	SP/ZBA -SPA	N	N	N
3.045	Civil defense facility		N	N	N	N	SPA	N	N	N
3.046	<u>Community center, facility for the elderly</u>		N	N	N	N	SPA	N	N	N
3.05	<u>INSTITUTIONAL USES</u>									
3.050	Public or non-profit educational institution.		SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA

BYLAW NUMBER	LAND USE CLASSIFICATION	STANDARDS & CONDITIONS	ZONING DISTRICT					FWD	WSP	AP
			RS	RM	GB	I	MD			
3.051	Church, parish house or other place of worship.		SPA	SPA	SPA	SPA	SPA	SPA	SPA	SPA
3.052	Public library, museum.		SPA	SPA	SPA	N	SPA	N	N	N
3.053	Public park, play- ground or recreation area		SPA	SPA	SPA	N	SPA	SP/ZBA <u>-SPA</u>	N	N
3.054	Philanthropic in- stitution		SPA	SPA	SPA	N	SPA	SP/ZBA <u>-SPA</u>	N	N
3.055	Private school		SP/ZBA -SPA	N	N	N	N	N	SP/ZBA -SPA	N
3.056	Neighborhood or community clubhouse, headquarters of fra- ternal organization.	Shall serve primarily the residents of Granby	N	SP/ZBA -SPA	N	N	N	SP/ZBA -SPA	SP/ZBA -SPA	N
3.057	Private membership club, not conducted as gainful business.		SP/ZBA -SPA	N	N	N	N	SP/ZBA -SPA	SP/ZBA -SPA	N
3.058	Hospital, sanitarium		SP/ZBA -SPA	N	N	N	N	N	SP/ZBA -SPA	N
3.059	Rest home, conva- lescent or nursing home		SP/ZBA -SPA	N	N	N	N	N	SP/ZBA -SPA	N
3.060	Crematory, crematory	Crematory use shall be restricted to the cemetery within which it is located.	SP/ZBA -SPA	N	N	N	N	N	N	N
3.061	Private museum, art gallery, craft center		SP/ZBA -SPA	N	N	N	N	SP/ZBA -SPA	N	N
3.062	Accessory uses which are necessary in con- nection with scienti- fic research, scienti- fic development and related production.	As provided under Massachusetts General Laws Chapter 40a, Section 9.	SP/ZBA -SPA	SP/ZBA -SPA	SP/ZBA -SPA	SP/ZBA -SPA	N	N	N	N
3.07	BUSINESS USES									
3.070	Retail store		N	N	SPA	SPA	N	SP/ZBA -SPA	N	N
3.071	Bank, <u>loan agency</u>		N	N	SPA	SPA	N	SP/ZBA -SPA	N	N
3.072	Office building		N	N	SPA	SPA	N	SP/ZBA -SPA	N	N

BYLAW NUMBER	LAND USE CLASSIFICATION	STANDARDS & CONDITIONS	ZONING DISTRICT							
			GB	I	MD	FWD	WSP	AP		
3.073	<u>Services</u>		SPA	SPA	N	<u>SP/ZBA</u> <u>-SPA</u>	N	N		
3.074	Restaurant, tavern	<u>For serving food or beverage to persons inside the building.</u>	SPA	SPA	N	<u>SP/ZBA</u> <u>-SPA</u>	N	N		
3.075	<u>Fast Food Establishment</u>		<u>SP/ZBA</u> <u>-SPA</u>	N	N	<u>SP/ZBA</u> <u>-SPA</u>	N	N		
3.076	Telephone exchange		SPA	SPA	N	<u>SP/ZBA</u> <u>-SPA</u>	N	N		
3.077	Auto service station, auto repair shop	Provided that all repair work shall be conducted in an enclosed building and no unregistered vehicles incapable of operation shall be stored in the open.	SPA	SPA	N	N	N	N		
3.078	Auto sales, motor- cycle sales	Used car sales only where incidental to new car sales	SPA	SPA	N	N	N	N		
3.079	Radio and electrical repairs shop		SPA	SPA	N	N	N	N		
3.080	Funeral establishment		SPA	SPA	N	N	N	N		
3.081	Bowling alley		SPA	SPA	N	N	N	N		
3.082	Theater, except drive- in theater		SPA	SPA	N	N	N	N		
3.083	Printer		SPA	SPA	N	N	N	N		
3.084	Medical or dental center or laboratory		SPA	SPA	N	N	N	N		
3.085	Veterinary establish- ment, place for boarding animals, or raising pets for gainful purpose.		SPA	SPA	N	N	N	N		
3.086	Motel, motor hotel		<u>SP/ZBA</u> <u>-SPA</u>	N	N	N	N	N		
3.09	INDUSTRIAL USES									
3.090	Manufacturing, pro- cessing, fabrication, assembly & storage of <u>materials, mechanicals</u> <u>products or equipment.</u>	No use shall be permitted which would be detrimental or offensive or tend to re- duce property values in the same or adjoining districts by reason of dirt, odor, fumes, smoke, gas, sewage, refuse, noise, excessive vibration or danger of fire or explosion.	N	<u>SP/PB-</u> <u>SPA</u>	N	N	N	N		

BYLAW NUMBER	LAND USE CLASSIFICATION	STANDARDS & CONDITIONS	RS	RM	ZONING DISTRICT GB	I	MD	FWD	WSP	AP
3.091	Printing, publishing, packaging, data processing, and allied uses	No use shall be permitted which would be detrimental or offensive or tend to reduce property values in the same or adjoining districts by reason of dirt, odor, fumes, smoke, gas, sewage, refuse, noise, excessive vibration or danger of fire or explosion.	N	N	N	SP/PB- SPA	N	N	N	N
3.092	Research or development laboratory	No use shall be permitted which would be detrimental or offensive or tend to reduce property values in the same or adjoining districts by reason of dirt, odor, fumes, smoke, gas, sewage, refuse, noise, excessive vibration or danger of fire or explosion. <u>No research or testing to be conducted outdoors unless expressly permitted by Special Permit.</u>	N	N	N	SP/PB- SPA	N	N	N	N
3.093	Lumber yard and similar operations requiring bulk storage of materials outside a structure.		N	N	N	SP/PB- SPA	N	N	N	N
3.094	Radioactive waste facility	A facility for disposal, burial or incineration of radioactive waste, may be permitted after a public hearing by special permit from the Board of Appeals in accordance with all of the provisions of this bylaw and Section 9, Ch. 40a, M.G.L. provided the special permit granting authority finds that the proposed use is in harmony with the intent and purpose of this bylaw. The special permit may impose such conditions and limitations on the proposed use as the special permit granting authority may determine are necessary for the protection of public health, safety, and welfare.	N	N	N	SP-ZBA -SPA	N	N	N	N
3.095	Removal of soil, loam, sand, gravel, rock, quarried stone or other earth products.	See Section 5.6 Earth Removal Bylaw	SP-ZBA	SP-ZBA	SP-ZBA	SP-ZBA	SP-ZBA	SP-ZBA	SP-ZBA	SP-ZBA
3.10	ACCESSORY USES									
3.100	Home occupation	The use of a portion, not to exceed 35% of the available floor space, of a dwelling or one accessory building, not to exceed 800 sq. ft., by a resident engaged in a customary home occupation, which may be for gainful purposes, providing the materials and equipment used do not create a nuisance. Noise and other objectionable characteristics shall not extend beyond the limits of the lot.	Y	SP/ZBA -SPA	SP/ZBA -SPA	N	SP/ZBA -SPA	SP/ZBA -SPA	SP/ZBA -SPA	SP/ZBA -SPA

BYLAW NUMBER	LAND USE CLASSIFICATION	STANDARDS & CONDITIONS	RS	ZONING DISTRICT					AP
				GB	I	MD	FWD	WSP	
3.101	Home professional office	The use of a portion, not to exceed 35% of the available floor space, of a dwelling or one accessory building, not to exceed 800 sq. ft., as the office of a doctor, dentist, lawyer, architect, engineer or as a studio for an artist, teacher of academic subjects, accountant, real estate or insurance agent residing on the premises, provided that not more than two persons, other than residents of the premises, are regularly employed therein in connection with such use.	Y	SP/ZBA -SPA	SP/ZBA -SPA	SP/ZBA -SPA	SP/ZBA -SPA	SP/ZBA -SPA	SP/ZBA -SPA
3.102	Home studio or business	The use of a portion of a dwelling or accessory building by a resident as studio or office of a dancing or music teacher, craft instructor, photographer, barber, beauty parlor operator and similar business-like pursuits; and the use of a portion of a dwelling or accessory building as a place for incidental work and storage in connection with his off-premises trade by a resident builder, carpenter, electrician, painter, plumber, or other artisan, or by a resident tree surgeon, landscape gardener, or similar person, provided that: a. Such use is clearly secondary to the use of the premises for dwelling purposes. b. Not more than two persons, other than the residents of the premises, are regularly employed therein in connection with such use. c. No trading in merchandise is regularly conducted except for products made on the premises or of parts or other items customarily maintained in connection with, and incidental, to such merchandise. d. No external change is made which alters the residential appearance of the building. e. All operations, including incidental storage, are carried on within the principal or accessory buildings, and that there is no outward evidence that the premises are being used for any purpose other than residential, except for an accessory sign.	SP/ZBA	SP/ZBA -SPA	N	SP/ZBA -SPA	SP/ZBA -SPA	SP/ZBA -SPA	SP/ZBA -SPA

BYLAW NUMBER	LAND USE CLASSIFICATION	STANDARDS & CONDITIONS	ZONING DISTRICT							
			RS	RM	GB	I	MD	FWD	WSP	AP
3.103	Home shop	The use of a portion of a dwelling or accessory building as an antique shop, gift shop, hobby shop when such use is clearly secondary to the use of the premises as a dwelling.	SP/ZBA -SPA	SP/ZBA -SPA	SP/ZBA -SPA	N	N	SP/ZBA -SPA	SP/ZBA -SPA	SP/ZBA -SPA
3.104	Private garage or stables	Provided that no business, service or industry is conducted therefrom or therein.	Y	Y	Y	N	Y	Y	Y	Y
3.105	Garaging or parking of one light panel, delivery or pick-up truck.		Y	Y	Y	Y	Y	Y	Y	Y
3.106	Garaging or parking large commercial vehicles or more than one light panel, delivery or pick-up truck	Vehicles used primarily for agricultural purposes on the premises are exempt.	SP/ZBA	SP/ZBA	Y	Y	SP/ZBA	SP/ZBA	SP/ZBA	SP/ZBA
3.107	Off-street parking and loading area	Subject to off-street parking and loading regulations in Section 5.4	SP/PB-SPA	SP/PB-SPA	SP/PB-SPA	SP/PB-SPA	SP/PB-SPA	SP/PB-SPA	N	SP/PB-SPA
3.108	Sign	Subject to Sign Bylaw in Section 5.3 requiring a permit from the Sign Officer.	Y	Y	Y	Y	Y	Y	Y	Y
3.109	Swimming Pool	Subject to Swimming Pool Bylaw in Section 5.7	Y	Y	N	N	Y	Y	Y	Y

3.2 DIMENSIONAL AND DENSITY REGULATIONS

All permitted uses and uses allowed by special permit shall be in conformity with the dimensional and density regulations set forth in Table 2, Table of Dimensional Regulations.

Table 2: TABLE OF DIMENSIONAL REGULATIONS

District	RS	RM	GB	I	MD	FWD	WSP	AP
<u>SINGLE FAMILY</u>								
Min. Lot Size (sq. ft.)	40,000	<u>40,000</u>	40,000	40,000	40,000	*	<u>60,000</u>	<u>40,000</u>
Min. Frontage (feet)	150	<u>150</u>	<u>150</u>	200	150	*	<u>150</u>	<u>150</u>
Min. Front Yard (feet)	40	40	40	40	40	<u>40</u>	<u>40</u>	<u>40</u>
Min. Side Yard (feet)	15	<u>30</u>	<u>30</u>	30	<u>15</u>	*	<u>15</u>	<u>30</u>
Min. Rear Yard (feet)	20	<u>50</u>	<u>20</u>	20	<u>20</u>	*	<u>20</u>	<u>50</u>
Maximum Height (feet)	35	35	35	40	35	<u>35</u>	<u>35</u>	<u>35</u>
Max. # of Stories	2	2	2	2	2	<u>2</u>	<u>2</u>	<u>2</u>
Maximum Lot Coverage	25%	25%	25%	25%	25%	<u>25%</u>	<u>25%</u>	<u>25%</u>
<u>MULTIFAMILY</u>								
Minimum Lot Size Per Dwelling Unit (square feet)	<u>40,000</u>	<u>40,000</u>	<u>40,000</u>	-	-	-	-	-
Maximum No. of Dwelling Units Per Structure	<u>6</u>	<u>6</u>	<u>6</u>	-	-	-	-	-
Min. Frontage (ft.) for 3 dwelling units	<u>300</u>	<u>300</u>	<u>300</u>	-	-	-	-	-
Additional Frontage per Dwelling Unit over 3	<u>75</u>	<u>75</u>	<u>75</u>	-	-	-	-	-
Minimum Front Yard (feet)	<u>75</u>	<u>75</u>	<u>75</u>	-	-	-	-	-
Min. Side Yard (ft)	<u>75</u>	<u>75</u>	<u>75</u>	-	-	-	-	-
Minimum Rear Yard (feet)	<u>50</u>	<u>50</u>	<u>50</u>	-	-	-	-	-
Max. Height (ft)	35	35	35	-	-	-	-	-
Max. No. of Stories	2	2	2	-	-	-	-	-
Maximum Lot Coverage	<u>30%</u>	<u>30%</u>	<u>30%</u>	-	-	-	-	-
Required Open Space	40%	40%	40%	-	-	-	-	-

*Within the overlay district, the dimensional regulations of the underlying district shall remain in effect.

TABLE OF DIMENSIONAL REGULATIONS (continued)

District	RS	RM	GB	I	MD	FWD	WSP	AP
<u>STRUCTURES OTHER THAN DWELLINGS</u>								
Min. Lot Size (sq. ft.)	40,000	40,000	40,000	40,000	40,000	40,000	60,000	40,000
Min. Frontage (feet)	150	150	150	200	150	*	150	150
Min. Front Yd (ft)	40	40	40	40	40	40	40	40
Min. Side Yard (feet)	30	30	30**	30**	30**	30	30	30
Min. Rear Yard (feet)	20	20	20**	20**	20**	20	20	20
Maximum Height (ft)	35	35	35	35	35	35	35	35
Max. # of Stories								
Maximum Lot Coverage	25%	25%	25%	40%	40%	25%	25%	25%

* Within the overlay district, the dimensional regulations of the underlying district shall remain in effect.

** Where a side or rear yard is adjacent to a residential area, such yard shall be a minimum of 50 feet.

3.3 EXISTING BUILDINGS/NON-CONFORMING USES

- 3.30 Any non-conforming building, structure, or use, existing upon the effective date of this Bylaw may be continued, rebuilt or resumed within two (2) years if damaged or destroyed by fire or other causes.
- 3.31 A non-conforming use which has been abandoned or discontinued for a period of two (2) years, shall not be re-established and any future use shall conform with this bylaw.
- 3.32 A non-conforming structure may not be altered if such alterations exceed fifty percent (50%) of the existing square footage of the structure at the time of the application for approval.
- 3.33 Once changed to a conforming use, no structure or land shall revert to a non-conforming use, and no non-conforming use shall be changed to another non-conforming use except upon finding by the Board of Appeals that such change shall result in a use more in keeping with the character of surrounding properties.
- 3.34 Pre-existing non-conforming structures or uses may be extended or altered when the special permit granting authority makes a finding as designated by the ordinance or bylaw, that such change, extension or alteration is not substantially more detrimental than the existing non-conforming use is to the neighborhood.

SECTION IV - OVERLAY DISTRICT REGULATIONS

4.0 FLOODPLAIN DISTRICT

4.00 Purposes

The purposes of the Floodplain District are;

1. To provide that lands in the Town of Granby subject to seasonal or periodic flooding as described hereinafter shall not be used for residence or other purposes in such manner as to endanger the health or safety of the occupant thereof.
2. To protect, preserve and maintain the water table and water recharge areas within the Town so as to preserve present and potential water supplies for the public health and safety of the Town of Granby.
3. To assure the continuation of the natural flow pattern of the water course(s) within the Town of Granby in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.

4.01 Scope of Authority

The Floodplain District is an overlay district and shall be superimposed on the other districts established by this bylaw. All regulations of the Granby Zoning Bylaw applicable to such underlying districts shall remain in effect, except that where the Floodplain District imposes additional regulations, such regulations shall prevail.

4.02 District Delineation

1. The Floodplain District is defined as all lands designated as Zone A or Zones A 1-30 on the Town of Granby Flood Insurance Rate Maps (FIRM), panels 2501620005B, 2501620010B, 2501620015B and 2501620020B, effective date January 2, 1980.
2. The floodway boundaries are delineated on the Granby Flood Boundary and Floodway Map (FBFM) dated January 14, 1977.
3. The FIRM and FBFM maps are incorporated herein by reference and are on file with the Town Clerk.

4.03 Permitted Uses

In the Floodplain District no new building shall be erected or constructed, and no existing structure shall be altered, enlarged or moved; no dumping, filling or earth transfer or relocation shall be permitted; nor shall any land, building or structure be used for any purposes except:

1. Conservation of water plants and wildlife.
2. Outdoor recreation, including play areas, nature study, boating, fishing and hunting where otherwise legally permitted, but excluding buildings and structures.
3. Wildlife management areas, foot, bicycle, and/or horse paths and bridges, provided such uses do not affect the natural flow pattern on any water course.
4. Grazing and farming, including truck gardening and harvesting of crops.
5. Forestry and nurseries.
6. Dwellings lawfully existing prior to the enactment of this bylaw.

4.04 Uses by Special Permit

No structure or building shall be erected, constructed, substantially improved over 50 percent of assessed market value or otherwise created or moved; no earth or other materials dumped, filled, excavated, or transferred, unless a special permit is granted by the Zoning Board of Appeals.

Uses allowed by Special Permit from the Zoning Board of Appeals in accordance with Section 6.2 within the Floodplain District are described in Section 3.0 and shall be subject to the following additional restrictions:

1. The following requirements apply in the Flood Plain District:
 - a. Within Zone A or Zones A1-30, where base flood elevation is not provided on the FIRM or FBFM, the applicant shall obtain any existing base flood elevation data. These data will be reviewed by the Building Inspector for their reasonable utilization toward meeting the elevation or floodproofing requirements, as appropriate, of the State Building Code.

2. The following provisions apply in the Floodway designated on the FBFM:

- a. Within the Floodway designated on the FBFM, no encroachments (including fill, new construction, substantial improvements to existing structures, or other development) shall be allowed unless it is demonstrated by the applicant that the proposed development, as a result of compensating actions, will not result in any increase in flood levels within the Town during the occurrence of a 100 year flood in accordance with the Federal Emergency Management Agency's regulations for the National Flood Insurance Program.
- b. Any encroachment in the Floodway meeting the above standard must also comply with the floodplain requirements of the State Building Code.

4.05 Additional Special Permit Criteria

In addition to the Special Permit criteria specified in Section 6.2, the Zoning Board of Appeals may grant a Special Permit if it finds:

1. The proposed use will not create increased flood hazards which shall be detrimental to the public health, safety and welfare; and
2. The proposed use will comply in all respects to the provisions of the underlying District or Districts within which the land is located.
3. The proposed is in compliance with all applicable state and federal laws, including the Massachusetts Building Code and the Massachusetts Wetlands Protection Act (M.G.L. Chapter 131, Section 40).

4.06 Prohibited Uses

The following uses are specifically prohibited and may not be allowed by special permit:

1. Solid waste landfills, junkyards and dumps.
2. Business and industrial uses, not agricultural, which manufacture, use process, store or dispose of hazardous materials or wastes as a principal activity, including but not limited to metal plating, chemical manufacturing, wood preserving, furniture stripping, dry cleaning and auto body repair.
3. The outdoor storage of salt, other de-icing chemicals, pesticides or herbicides shall be prohibited without suitable overhead protection from weather and an impervious containment area to hold the volume of stored chemicals.
4. Draining, dredging, excavation or disposal of soil or mineral substances, except as necessary for permitted uses or uses allowed by special permit, as specified in the Earth Removal Bylaw, Section 5.9.

4.1 WATER SUPPLY PROTECTION DISTRICT

4.10 Purpose

The purposes of the Water Supply Protection District are to promote the health, safety and welfare of the community by protecting and preserving the surface and groundwater supply resources of Granby from any use of land or structures which reduce the quality or quantity of its water supply resources.

4.11 Scope of Authority

The Water Supply Protection District is an overlay district and shall be superimposed on the other districts established by this bylaw. All regulations of the Granby Zoning Bylaw applicable to such underlying districts shall remain in effect, except that where the Water Supply Protection District imposes additional regulations, such regulations shall prevail.

4.12 District Delineation

The Water Supply Protection District is herein established to include all lands within the Town of Granby lying within the primary recharge area of groundwater aquifers which now or may in the future provide public water supply. The map entitled "Water Supply Protection District, Town of Granby", on file with the Town Clerk, delineates the boundaries of the district.

Where the bounds delineated are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where they should be properly located. At the request of the owner(s), the Town may engage a professional hydrogeologist to determine more accurately the location and extent of an aquifer recharge area, and shall charge the owner for all of the cost of the investigation.

4.13 Permitted Uses

All uses permitted in the underlying Residential RS District shall be permitted, with the following exceptions:

1. Home occupations which involve the use or disposal of hazardous materials or wastes, including but not limited to furniture stripping, auto body repair, engine repair and photographic processing in commercial volumes, are prohibited.

4.14 Uses By Special Permit

1. Uses allowed by special permit from the Zoning Board of Appeals in accordance with Section 6.2 within the Water Supply Protection District are described in Section 3.0 and shall be subject to the following additional restrictions:
 - a. The conversion of a one-family dwelling existing at the time of enactment of this bylaw into a two-family dwelling, provided that the dwelling has sufficient septic system capacity to meet the requirements of the Massachusetts Sanitary Code.
2. The Board of Appeals may grant the requested special permit only upon finding that the proposed use meets the following standards and those specified in Section VII.5.g. of this bylaw. The proposed use must:

- in no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Water Supply Protection District, and;
- be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation and other water-related natural characteristics of the site to be developed.

4.15 Prohibited Uses

1. Underground storage and/or transmission of petroleum products excluding liquified petroleum gas, except that storage tanks within the basement of a building shall be permitted.
2. Outdoor storage of salt, de-icing materials, pesticides or herbicides shall be prohibited without suitable overhead protection from weather and an impervious containment area adequate to hold the volume of stored chemicals.
3. The use of septic system cleaners which contain toxic chemicals, including but not limited to methylene chloride and 1-1-1 trichlorethane.

4.16 Restricted Uses

1. Excavation for removal of earth, sand, gravel and other soils shall not extend closer than five (5) feet above the annual high groundwater table. A monitoring well shall be installed by the property owner to verify groundwater elevations. This section shall not apply to excavations incidental to permitted uses, including but not limited to providing for the installation or maintenance of structural foundations, freshwater ponds, utility conduits or on-site sewage disposal.
 - a. Access road(s) to extractive operation sites shall include a gate or other secure mechanism to restrict public access to the site. All earth removal operations must comply with the provisions of Section VI - Earth Removal Bylaw.
 - b. The use of sodium chloride for ice control shall be minimized, consistent with public highway safety requirements.
 - c. Commercial fertilizers, pesticides, herbicides, or other leachable materials shall not be used in amounts which result in groundwater contamination levels exceeding Massachusetts Drinking Water Standards or National Interim Primary Drinking Water Regulations.
 - d. Above ground storage tanks, including tanks within the basement of a building for oil, gasoline or other petroleum products shall be protected from the environment and placed on a diked, impermeable surface to prevent spills or leaks from reaching groundwater. Floor faults shall be plugged to prevent discharges of leaks. No floor drains shall be allowed, only sump pumps to allow for pumped removal of any spilled materials.

4.2 AGRICULTURAL PRESERVATION DISTRICT

4.20 Purpose

The purposes of the Agricultural Preservation District are to:

1. Protect prime agricultural lands for future food production;
2. Maintain an adequate agricultural land base in Granby to ensure continued economic viability for local agriculture and the availability of agricultural support services;
3. Prevent excessive public service and infrastructure costs which would result from unplanned urban growth in areas more appropriate for agriculture;
4. Preserve scenic, historic and other farming-related values which help define the character of Granby's culture and landscape;
5. Allow landowners a reasonable return on the value of their holdings while protecting the majority of existing farmland for use by future generations;
6. Promote and protect the practice of farming in Granby.

4.21 District Delineation

The Agricultural Preservation District is defined as all lands designated on the map entitled "Agricultural Preservation District, Town of Granby", on file with the Town Clerk. All lands included in the district shall be included only upon prior written approval of the property owner.

4.22 Permitted Uses

1. Agricultural production, including raising of crops, livestock, poultry, nurseries, orchards, hay;
2. Normal agricultural practices, including but not limited to manure storage, farm machine operation and fertilizer and pesticide use as regulated by state and federal law;
3. Uses accessory to farm operations, including greenhouses, farm animal veterinary facilities, agricultural processing and storage facilities;
4. Farm-related dwelling units;
5. Single family homes on frontage lots not requiring approval under the Massachusetts Subdivision Control Law, M.G.L. Chapter 41, which comply with the Site Design standards in Section 4.27 of this bylaw.

4.23 Uses Permitted With Site Plan Review

All residential subdivisions which require approval under M.G.L. Chapter 41 shall be laid out in accordance with the Agricultural Land and Development Standards in Section 4.26 - 4.28 and the Site

Design Standards in Section 4.30 of this bylaw, and shall require Site Plan Approval from the Planning Board. All applicants for Site Plan Approval shall comply with Section 6.3 of this bylaw.

4.24 Additional Requirements for Site Plan Approval

The applicant shall comply with the minimum requirements for site plan contents in Section 6.33 of this bylaw, and shall also submit to the Planning Board the following information:

1. Description or illustration of the physical characteristics within and adjacent to this site, including: prime agricultural soils, soils of state and local importance, other soils and soil characteristics, areas used for crop or other agricultural production.
2. Description of compliance with Agricultural Land and Development Standards in Section 4.26 - 4.28 and Site Design Standards in Section 4.29.

4.25 Criteria for Review

In addition to the criterion contained in Section 6.35, the Planning Board shall also consider the following criteria:

1. is in compliance with Agricultural Land and Development Standards;
2. will not interfere with farming operations on adjacent lands;
3. is situated on the portion of the site with soils least suitable for the production of crops or livestock;
4. is integrated into the existing landscape through features such as vegetative buffers, and through retention of open agricultural land.

4.26 Agricultural Land and Development Standards

1. Residential subdivision developments in the Agricultural Preservation District shall be laid out according to the Open Space Community standards set forth in Section 5.1 of this bylaw. All buildings and roads shall be located away from soils which are most suitable for agriculture (based on U.S. Soil Conservation Service classifications for prime farmland soils and soils of state and local importance) to the maximum practical extent. This provision does not apply to the location of on-site septic disposal facilities which must be placed in soils meeting the Massachusetts Environmental Code.
2. All roads, drainage systems and utilities shall be laid out in a manner so as to have the least possible impact on agricultural lands and uses.

4.27 Maximum Number of Dwelling Units

- 1) The maximum number of dwelling units permitted in an open space community in the Agricultural Preservation District shall be calculated based upon one unit per acre for the net developable acreage remaining once the area of all wetlands and all areas unsuitable for on-site sewage disposal have been subtracted from the total acreage of the property.

- 2) Under the supervision of the Conservation Commission and in accordance with the provisions of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, all wetlands shall be identified, and their area subtracted from the net developable acreage of the total parcel.
- 3) Under the supervision of the Board of Health, and in conformance with Title V, percolation tests shall be conducted for all lots in the total acreage of the property which would be developed in a standard subdivision layout. The area of those lots which is determined to be not suitable for on-site sewage disposal shall subtract from net developable acreage of the total parcel.

4.28 Required Open Land

1. At least fifty (50) percent of the net acreage remaining after the area of all wetlands have been subtracted shall be retained as open agricultural land. Remaining open agricultural land shall have appropriate acreage, configuration and access to enable continued farming operations.

4.29 Site Design Standards

All residences developed either on frontage lots or within an open space community shall comply with the following standards:

1. All buildings, homes and structures shall be located a minimum of 100 feet from agricultural land and shall be separated by a 50-foot wide buffer strip of trees and fencing sufficient to minimize conflicts between farming operations and residences.
2. Each structure shall be integrated into the existing landscape on the property so as to minimize its visual impact and maintain visibility of adjacent agricultural lands from public ways through use of vegetative and structural screening, landscaping, grading and placement on or into the surface of the lot.

4.30 Protection of Open Agricultural Land

The following standards shall apply to open agricultural land to be protected as part of the development of an open space community:

1. Farmland owners are not required to sell the part of their property which is to become permanent agricultural open space, provided that they do convey the development rights of that open space in a conservation easement prohibiting future development of this property to any of the official bodies named in Section 4.30(2) below.
2. All remaining open agricultural land shall be permanently protected by either:
 - a. A permanent conservation easement or deed restriction conveyed to the Town of Granby with Town approval or to a non-profit farmland trust or conservation organization whose principal purpose is to conserve farmland and open space. At a minimum, such an easement or restriction shall entail the use of management practices that ensure existing fields or pastures will be plowed or mowed at least once every year.

- b. Ownership in fee simple conveyed to the Town of Granby with Town approval or to a non-profit farm trust, open space or conservation organization as a gift or for a consideration.

4.31 Relationship to Agricultural Incentive Area

All land which is enrolled in the Agricultural Preservation Zoning district shall become eligible for enrollment in the Granby Agricultural Incentive Area and, once enrolled in the Incentive Area, shall receive any and all benefits and incentives included therein.

SECTION V - SPECIAL USE REGULATIONS AND PERFORMANCE STANDARDS

5.0 MULTI=FAMILY DWELLINGS

- 5.00 Multi-family dwelling units shall be permitted in the RS, RM and GB districts only upon issuance of a Special Permit with Site Plan Approval from the Planning Board as specified in Sections 6.2 and 6.3 of this bylaw, and in accordance with the additional requirements specified herein.

5.01 Additional General Requirements

The following standards shall be used as additional requirements in the special permit/site plan approval process for all multi-family units:

1. Multi-family structures shall have access on roads having sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic generated by the site.
2. More than one dwelling may be placed on a lot, but no principal structures shall be placed closer to each other than 50 feet and must be visually separated by trees and plantings. In addition, each dwelling must be provided with access, drainage and utilities functionally equivalent to that provided under the Planning Board's Subdivision Rules and Regulations.
3. Parking areas shall not be located within a required front, rear or side yard as specified in Table 2 and shall be screened from public ways and adjacent or abutting properties by building location, fencing or planting. No individual parking area shall contain more than fourteen (14) spaces. Two parking spaces shall be provided for each dwelling unit. One additional space for visitor parking shall be provided for every ten resident parking spaces.
4. No building shall be floodlit. Drives and parking areas shall be illuminated only by shielded lights not higher than fifteen (15) feet.
5. Multi-family structures shall be separated from adjacent properties by buffer strips consisting of trees and/or fencing sufficient to minimize the visual and noise impacts of the development.

6. A minimum of 40% of the area of each lot shall be permanently reserved as open space. All open space lands shall be permanently protected by the donation of a conservation restriction to the Town of Granby, duly recorded on the property deed. A minimum of 50% of land reserved as open space shall be grassed or landscaped land available for active and passive recreation.
7. Connecting walkways shall be provided between structures and parking areas within the site.

5.02 Additional Utility Requirements

1. For dwellings to be served by on-site water and waste disposal systems, the applicant shall submit a septic system design prepared by a certified engineer and approved by the Board of Health and a plan illustrating the location of water supply wells with the special permit application. No septic system serving the project shall exceed 2,000 gallons per day sewage flow. More than one septic system may serve the site in order to meet this requirement.
2. Dwellings with on-site waste disposal systems shall be allowed only upon demonstration by the applicant that the groundwater quality of the boundaries of the lot will not fall below the standards established by the Massachusetts Department of Environmental Quality Engineering in Drinking Water Standards of Massachusetts," or by the U.S. Environmental Protection Agency in "National Interim Primary Drinking Water Regulations", or where groundwater quality is already below these standards, upon determination that the activity will result in no further degradation. Where compliance is in doubt, the Planning Board may hire a Professional Engineer to analyze and certify groundwater quality impacts, and may charge the applicant for the cost of such analysis.
3. The required minimum lot size per dwelling unit specified in Section 3.2 may be reduced by a maximum of fifty percent (50%) provided that the applicant can demonstrate to the Planning Board's satisfaction that the site and soil conditions will permit such increased density of on-site waste disposal systems without violation of the drinking water standards described in Section 5.02 above.

5.03 Community Association

1. If a multi-family development is owned by more than one person or converted to ownership of more than one person, a non-profit, incorporated community association shall be established, requiring membership of each property owner in the development. The community association shall be responsible for the permanent maintenance of all communal water and septic systems, common open space, recreational and throughfare facilities. A community association agreement of covenant shall be submitted with the special permit/site plan approval application guaranteeing continuing maintenance of such common utilities, land and facilities, and assessing each lot a share of maintenance expenses. Such agreement shall be subject to the review and approval of Town Counsel and the Planning Board.

2. Such agreements or covenants shall provide that in the event that the association fails to maintain the common open land in reasonable order and condition in accordance with the agreement, the Town may, after notice to the association and public hearing, enter upon such land and maintain it in order to preserve the taxable values of the properties within the development and to prevent the common land from becoming a public nuisance. The covenants shall also provide that the cost of such maintenance by the Town shall be assessed ratably against the properties within the development.

5.05 ELDERLY OR HANDICAPPED CONGREGATE HOUSING

Congregate elderly or handicapped dwelling units shall be permitted in the RS, RM and GB districts only upon issuance of a Special Permit with Site Plan Approval from the Planning Board, as specified in Sections 6.2 and 6.2 of this bylaw, and in accordance with the additional requirements specified here.

5.06 Additional Requirements

The following standards shall be used as additional requirements in the special permit/site plan approval process for all congregate elderly or handicapped housing units:

1. The applicant shall comply with all requirements of Sections 5.01 and 5.02 of this bylaw.
2. Congregate elderly and handicapped dwellings shall comply with all dimensional regulations for multi-family dwellings contained in Section 3.2 of this bylaw.
3. The maximum number of elderly or handicapped occupants per structure shall not exceed six.

5.1 OPEN SPACE COMMUNITIES

- 5.10 Open Space Communities shall be permitted in the RS, RM and GB districts only upon issuance of a Special Permit with Site Plan Approval from the Planning Board, as specified in Sections 6.2 and 6.3 of this bylaw, and in accordance with the additional requirements specified herein.

5.11 General Description

An "Open Space Community" shall mean a single family residential development in which the houses are clustered together into one or more groups on the lot and separated from each other and adjacent properties by permanently protected open space.

5.12 Purposes

The purposes of open space community development are to:

1. allow for greater flexibility and creativity in the design of residential subdivisions, provided that the overall density of the development is no greater than what is normally allowed in the district;

2. encourage the permanent preservation of open space, agricultural lands and other natural resources;
3. maintain the traditional New England rural character and land use pattern in which small villages contrast with open space and farmlands;
4. facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner;
5. encourage a less sprawling form of development that consumes less open land.

5.13 Additional General Requirements

The following standards shall be used as additional requirements in the special permit/site plan approval process for all open space communities:

1. The development shall include single family dwellings only.
2. The minimum land required for a cluster development shall be five (5) acres and the parcel shall be held in single ownership or control at the time of application.
3. Each lot shall have adequate access on a public or private way.
4. Each lot shall be of a size and shape to provide a building site which shall be in harmony with the natural terrain and other features of the land.
5. There shall be an adequate, safe, and convenient arrangement of pedestrian circulation, facilities, roadways, driveways, and parking.
6. The site plan shall identify the location and extent of all wetlands on the site as determined by the Conservation Commission under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40.

5.14 Additional Utility Requirements

1. All structures which require plumbing shall be connected to a public sanitary sewer, if available, or to a communal septic system at no expense to the municipality.
2. For dwellings to be served by on-site waste disposal systems, the applicant shall submit a septic system design prepared by a certified engineer and approved by the Board of Health and a plan illustrating the location of water supply wells with the special permit application. No communal septic system serving the development shall exceed sewage flow of 2,000 gallons per day. Septic systems shall be placed in the development to maximize the distance between systems and shall be placed within common areas rather than on individual lots. Maintenance of communal septic systems shall be the responsibility of the homeowners association specified in Section 5.27.

No cluster development shall be approved unless the applicant can demonstrate to the satisfaction of the Planning Board that the potential for groundwater pollution is no greater from the proposed open space community development than would be expected from a conventional subdivision with single family houses on lots meeting the normal lot size requirements located on the same parcel. Where necessary, the Planning Board may hire a Professional Engineer to analyze and certify groundwater quality impacts, and may charge the applicant for the cost of such analysis.

5.15 Dimensional and Density Requirements

1. A one-family detached dwelling, or lawful accessory building, may be constructed on a lot with an Open Space Community development although such lot has less area and frontage than normally required, as herein specified.
2. The maximum number of dwelling units permitted in an open space community shall be calculated based upon one unit per acre for the net developable acreage remaining once the area of all wetlands and all areas unsuitable for on-site sewage disposal have been subtracted from the total acreage of the property.
3. Under the supervision of the Conservation Commission and in accordance with the provisions of the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, all wetlands shall be identified, and their area subtracted from the net developable acreage of the total parcel.
4. Under the supervision of the Board of Health, and in conformance with Title V, percolation tests shall be conducted for all lots in the total acreage of the property which would be developed in a standard subdivision layout. The area of those lots which is determined to be not suitable for on-site sewage disposal shall be subtracted from net developable acreage of the total parcel.
5. Lot sizes shall not be less than one-half (50%) of the minimum lot size normally required in the district, or twenty thousand (20,000) square feet per lot.
6. In no instance shall a designated lot have less than 100 feet of frontage on a public or private way.
7. Minimum front, rear and side yard setbacks shall be the same as normally required in the district.
8. All residential structures and accessory uses within the development shall be set back from the boundaries of the development by a buffer strip of at least fifty (50) feet in width which shall include trees and shall be kept in a natural or landscaped condition.

5.16 Common Open Space Requirements

1. All land not devoted to dwellings, accessory uses, roads, or other development shall be set aside as common land for recreation, conservation, or agricultural uses which preserve the land in essentially its natural condition.

2. The total area of common open space shall equal or exceed the area by which all single-family dwelling lots are reduced below the basic minimum lot area normally required in the zoning district.
3. The following lands shall not be used to meet the common open space requirements:
 - a. Lands within the floodplain district;
 - b. Lands identified as wetlands in accordance with the Massachusetts Wetlands Protection Act;
 - c. Lands with slopes greater than twenty-five percent (25%)
4. Further subdivision of common open land or its use for other than recreation, conservation, or agriculture, except for easements for underground utilities and septic systems, shall be prohibited. Structures or buildings accessory to recreation, conservation, or agricultural uses may be erected but shall not exceed 5% coverage of such common open land.

5.17 Common Open Space Ownership

1. All common open land shall be either:
 - a. conveyed to a community association owned or to be owned by the owners of lots within the development. If such a community association is utilized, ownership thereof shall pass with conveyances of the lots in perpetuity;
 - b. conveyed to a non-profit organization, the principal purpose of which is the conservation or preservation of open space;
 - c. conveyed to the Town, at no cost, and be accepted by it for a park or open space use. Such conveyance shall be at the option of the Town and shall require the approval of the voters at a Town Meeting.
 - d. If the parcel is located in an agricultural district, farmland owners are not required to sell the part of their property which is to become permanent agricultural open space, provided that they convey the development rights of that open space in a conservation easement prohibiting future development of the property in accordance with Section 4.30.
2. In any case where such land is not conveyed to the Town, a restriction enforceable by the Town shall be recorded to ensure that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadways. Such restrictions shall further provide for maintenance of the common land in a manner which will ensure its suitability for its function, appearance, cleanliness and proper maintenance of drainage, utilities and the like.

5.18 Community Association

1. A non-profit, incorporated community association shall be established, requiring membership of each lot owner in the open space community. The community association shall be responsible for the permanent maintenance of all communal water and septic systems, common open space, recreational and throughfare facilities. A community association agreement of covenant shall be submitted with the special permit/site plan approval application guarantying continuing maintenance of such common utilities, land and facilities, and assessing each lot a share of maintenance expenses. Such agreement shall be subject to the review and approval of Town Counsel and the Planning Board.
2. Such agreements or covenants shall provide that in the event that the association fails to maintain the common open land in reasonable order and condition in accordance with the agreement, the Town may, after notice to the association and public hearing, enter upon such land and maintain it in order to preserve the taxable values of the properties within the development and to prevent the common land from becoming a public nuisance. The covenants shall also provide that the cost of such maintenance by the Town shall be assessed ratably against the properties within the development.

5.19 Procedures and Pre-Application Review

1. Applicants for Open Space Communities shall follow the Special Permit procedures specified in Section 6.2 and the Site Plan Approval procedures specified in Section 6.3.
2. To promote better communication and to avoid misunderstanding, applicants are encouraged to submit a Preliminary Plan for review by the Planning Board prior to the application for a special permit. Such Preliminary Plans shall comply with the Town's Subdivision Control Regulations.

The Planning Board approval of a special permit hereunder shall not substitute for compliance with the Subdivision Control Act nor oblige the Planning Board to approve a related Definitive Plan for subdivision, nor reduce any time periods for Board consideration under that law. However, in order to facilitate processing, the Planning Board shall, insofar as practical under law, adopt regulations establishing procedures for submission of a combined Site Plan/Development Plan and application which shall satisfy this section and the Board's regulations under the Subdivision Control Act.

A Site Plan/Development Plan shall be submitted to the Planning Board with the application for a special permit. Following approval of the special permit, a Definitive plan shall be submitted to the Planning Board consistent with their Subdivision Regulations and in substantial conformity with the approved Site Plan/Development Plan, except where the Cluster Development does not constitute a subdivision under the Subdivision Control Law.

5.2 PERFORMANCE STANDARDS FOR BUSINESS, INDUSTRIAL AND RESIDENTIAL USES

5.20 Purpose and Applicability

The purpose of environmental performance standards is to ensure that any use allowed by right or special permit in any district is conducted in a manner which does not adversely affect the surrounding natural or human environment by creating a dangerous, injurious or objectionable condition. The following environmental controls shall be enforced by the building inspector and shall apply throughout the life of the use or structure.

5.21 Lighting

1. Any outdoor lighting fixture newly installed or replaced shall be shielded so that it does not produce a strong, direct light beyond the property boundaries.
2. No light shall be taller than twenty-five (25) feet.

5.22 Noise

1. Excessive noise at unreasonable hours shall be muffled so as not to be objectionable due to volume, frequency, shrillness or intermittance.
2. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any use or activity shall not exceed the following limits at the property line of the sound source:

Source Pressure Level Limits Measured in dB (A's)

<u>District</u>	<u>7 a.m. - 10 p.m.</u>	<u>10 p.m. - 7 a.m.</u>
<u>General Business</u>	<u>65</u>	<u>60</u>
<u>Industrial</u>	<u>70</u>	<u>65</u>
<u>Residential</u>	<u>55</u>	<u>45</u>

Sound pressure level shall be measured at all major lot lines, at a height of at least four (4) feet above the ground surface. Noise shall be measured with a sound level meter meeting the standards of the American Standards Institute, ANSI SI.4-1961 "American Standard Specification for General Purpose Sound Level Meters". The instrument shall be set to the A-weighted response scale and the meter to show response. Measurements shall be conducted in accordance with ANSI SI.2-1962 "American Standard Meter for the Physical Measurements of Sound".

3. Sound levels specified shall not be exceeded for more than 15 minutes in any one day, except for temporary construction or maintenance work, agricultural activity, timber harvesting, traffic, church bells, emergency warning devices, parades or other similar special circumstances.
4. No person shall engage in or cause very loud construction activities on a site abutting residential use between the hours of 10 p.m. of one day and 7 a.m. of the following day.

5.23 Storm Water Runoff

The rate of surface water run-off from a site shall not be increased after construction. If needed to meet this requirement and to maximize groundwater recharge, increased runoff from impervious surfaces shall be recharged on site by being diverted to vegetated surfaces for infiltration or through the use of detention ponds. Dry wells shall be used only where other methods are infeasible and shall be used only where other methods are infeasible and shall require oil, grease and sediment traps to facilitate removal of contaminants.

5.24 Erosion Control

Erosion of soil and sedimentation of streams and waterbodies shall be minimized by using the following erosion control practices:

1. Exposed or disturbed areas due to stripping of vegetation, soil removal, and regrading shall be permanently stabilized within six months of occupancy of a structure.
2. During construction, temporary vegetation and/or mulching shall be used to protect exposed areas from erosion. Until a disturbed area is permanently stabilized, sediment in runoff water shall be trapped by using staked haybales or sedimentation traps.
3. Permanent erosion control and vegetative measures shall be in accordance with the erosion/sedimentation/vegetative practices recommended by the Soil Conservation Service.
4. All slopes exceeding 15% resulting from site grading shall be either covered with 4 inches of topsoil and planted with a vegetative cover sufficient to prevent erosion or be stabilized by a retaining wall.
5. Dust control shall be used during grading operations if the grading is to occur within 200 feet of an occupied residence or place of business. Dust control methods may consist of grading fine soils on calm days only or dampening the ground with water.

5.25 Water Quality

All outdoor storage facilities for fuel, hazardous materials or wastes, and potentially harmful raw materials shall be located within an impervious, diked containment area adequate to hold the total volume of liquid kept within the storage area.

5.26 Explosive Materials

No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they are located in anchored tanks at least seventy-five (75) feet from any lot line, town way or interior roadway or 40 feet from lot line for underground tanks; plus all relevant federal and state regulations shall also be met.

Propane gas tanks in 100 lb. cylinders (or smaller) shall be exempt from these safety regulations.

5.27 Screening and Buffer Zones

Exposed storage areas, exposed machinery installation, sand and gravel extraction operations and areas used for the storage or collection of discarded automobiles, auto parts metal or any other articles of salvage or refuse shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on surrounding properties (a dense evergreen hedge 6 feet or more in height). All such plantings shall be maintained as an effective visual screen; plants which die shall be replaced within one growing season. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and be maintained in good condition.

5.3 COMMERCIAL DEVELOPMENT AND LANDSCAPING

5.30 Purposes

1. To promote highway traffic safety and protect the capability of state and local roads to conduct traffic smoothly and efficiently;
2. To promote an attractive and viable commercial district and expand the commercial tax base of the Town;
3. To protect the rural character, aesthetic visual qualities and property values of the Town and neighboring properties;
4. To discourage unlimited commercial "strip development" and curb cuts along Route 202, and encourage commercial growth in nodes and clusters.

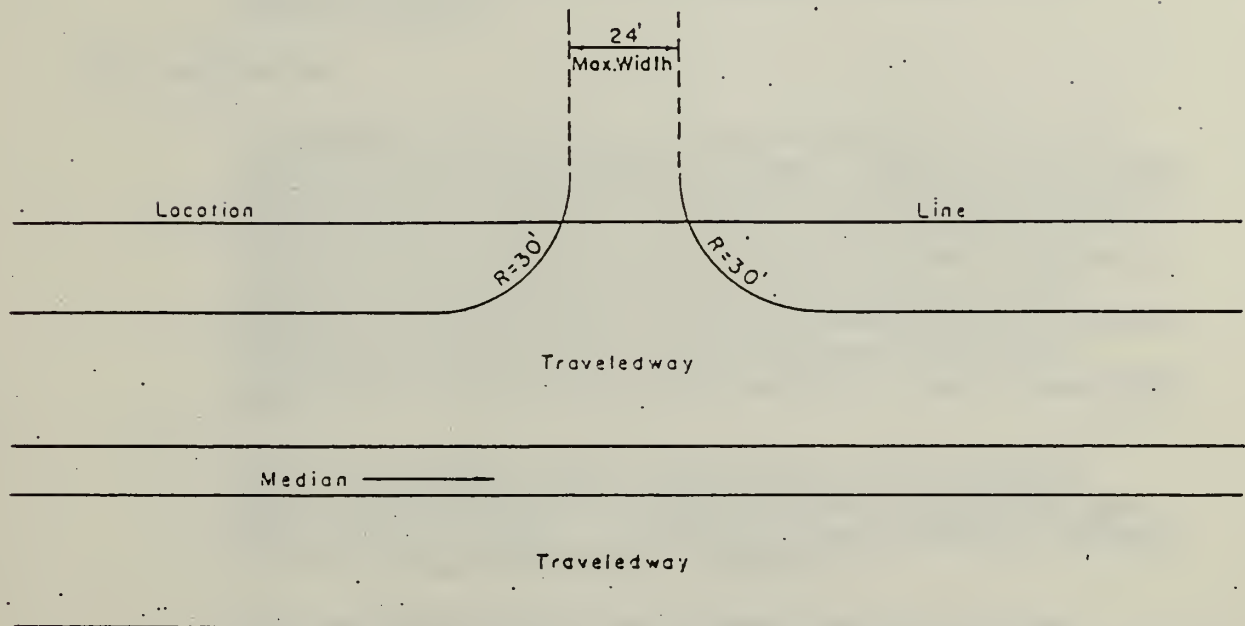
5.31 General

Commercial developments shall be permitted in accordance with the Schedule of Use Regulations - Section 3.0, the Table of Use Regulations - Section 3.2, and with the additional requirements specified herein.

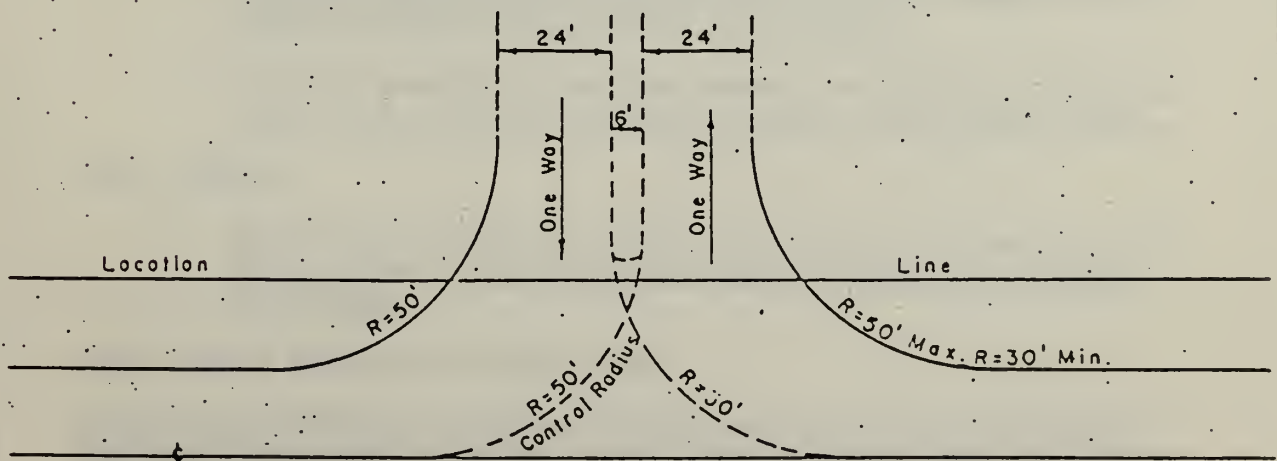
5.32 Access

1. The number of curb cuts on Route 202 and on local roads shall be minimized. To the extent feasible, access to businesses shall be provided via one of the following:
 - a. Access via a common driveway serving adjacent lots or premises.
 - b. Access via an existing side street.
 - c. Access via a cul-de-sac or loop road shared by adjacent lots or premises.
2. One driveway per business shall be permitted as a matter of right. Where deemed necessary by the Planning Board, two driveways may be permitted as part of the Site Plan Approval process, which shall be clearly marked "entrance" and "exit".

For Short Frontage Or Site Conditions



For Shopping Plaza And Drive-In Theatre



3. Curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed 24 feet in width.
4. All driveways shall be designed to afford motorists exiting on to Route 202 with safe sight distance.
5. The proposed development shall have assure safe interior circulation within its site by separating pedestrian and vehicular traffic.

5.33 Landscaping

1. A landscaped buffer strip at least fifteen (15) feet wide, continuous except for approved driveways, shall be established adjacent to any public road to visually separate parking and other uses from the road. The buffer strip shall be planted with grass, medium height shrubs, and shade trees (minimum 2" caliper, planted at least every 50 feet along the road frontage). At all street or driveway intersections, trees or shrubs shall be set back a sufficient distance from such intersections so that they do not present a traffic visibility hazard.
2. Large parking areas shall be subdivided with landscaped islands, so that no paved parking surface shall extend more than 80 feet in width. At least one tree (minimum 2" caliper) per 35 parking spaces shall be provided.
3. Any commercial use shall be screened from view from any neighboring residence in a residential district by dense, hardy evergreen plantings or by earthen berms, wall or tight fence, complemented by evergreen plantings.
4. Any outdoor area for storage or utilities shall be screened from view from neighboring properties and streets using materials described in 5.33 (3) above. Where there exists any potential safety hazard to children, physical screening shall prevent children from entering the premises.
5. All landscaped areas shall be properly maintained. Shrubs or trees which die shall be replaced within one growing season.

5.34 Parking

1. To the extent feasible, parking areas shall be located to the side or rear of the structure, and be shared with adjacent businesses.

5.4 SINGLE FAMILY DWELLINGS ON ESTATE LOTS

Single family dwellings shall be permitted in the RS and RM districts only upon issuance of a Special Permit from the Zoning Board of Appeals as specified in Section 6.2 of this bylaw, and in accordance with the additional requirement specified herein.

1. Estate lot(s) shall be created from one lot which was in existence at the time of the adoption of this estate lot bylaw amendment, which conforms to all of the provisions of the zoning bylaw, and which does not have contiguous land in common ownership sufficient to create a standard lot with the normal frontage requirements.

2. Any estate lot created must be held in common and contiguous ownership with the front lot from which it is created and no two or more lots which do not individually conform with the requirements of this estate lot provision may be subsequently combined to create an estate lot.
3. No lot eligible for estate lot development shall be subsequently subdivided so as to create more than two (2) estate lots.
4. The estate lot(s) shall have a minimum street frontage of not less than forty (40) feet and an access width of not less than forty (40) feet from the front lot line to the principal structure. The front lot shall meet all of the zoning dimensional requirements normally required in the district.
5. No more than two (2) estate lots may be adjacent to each other at the street line.
6. The area of each estate lot, excluding the access strip, shall be at least double the minimum lot area required in the district.
7. The width of the lot where the principal building is to be constructed shall equal or exceed the distance normally required for street frontage in that district.
8. Front, rear and side yards must equal or exceed those normally required in the district.
9. The grade length and location of access driveways shall be constructed and maintained to provide:
 - a. Adequate access and turn-around for vehicles, including sanitary and emergency vehicles year round;
 - b. A width of at least fifteen (15) feet with drainage and culverts where necessary;
 - c. A maximum grade of twelve percent (12%);
 - d. A distance of no closer than ten (10) feet to any abutting property line;
 - e. Approval from the highway and fire departments;
 - f. No parking areas or structures shall be allowed in the access strip.
10. There shall be maintained or kept a naturally occurring or a planted vegetated buffer zone between any flag lot(s) and any front lot sufficient to provide privacy between the two lots.
11. Plans submitted to the Zoning Board of Appeals under this section shall be the same as the plans submitted to the Planning Board under the Subdivision Control Law, and shall include the statement "Lot(s) _____ is an estate lot; building is permitted only in accordance with the special permit estate lot provisions of the Granby Zoning Bylaw".
12. The Planning Board shall not endorse any plan under the Subdivision Control Law for the purpose of creating an estate lot unless the plan depicts both the estate lot and the front lot from which the estate lot was created and unless the plan has been granted a special permit from the Zoning Board of Appeals.

- 5.5 SIGN BYLAW
(same as existing bylaw)
- 5.6 OFF-STREET PARKING AND LANDING REGULATIONS
(same as existing bylaw)
- 5.7 SCENIC ROADS
(same as existing bylaw)
- 5.8 EARTH REMOVAL BYLAW
(same as existing bylaw)
- 5.95 Swimming Pool Regulations
(same as existing bylaw)

SECTION VI - ADMINISTRATION AND ENFORCEMENT

- 6.0 BOARD OF APPEALS
(same as existing bylaw)
- 6.1 BUILDING INSPECTOR
(same as existing bylaw)
- 6.2 SPECIAL PERMITS
(same as existing bylaw)

Special permits are requested for certain uses, structures or conditions as specified in Section 3.0, Schedule of Use Regulations.

6.20 Purpose

Special permits are intended to provide detailed review of certain uses and structures which may have substantial impact upon traffic, utility systems, and the character of the Town, among other things. The Special Permit review process is intended to insure a harmonious relationship between proposed development and its surroundings, and insure the proposals are consistent with the purpose and intent of this bylaw.

6.21 Special Permit Granting Authorities

As specified in Section 3.0, Schedule of Use Regulations, the Planning Board shall be special permit granting authority for multi-family dwellings, elderly and handicapped congregate dwellings and open space communities. The Zoning Board of Appeals shall be special permit granting authority for all other uses requiring a special permit.

6.22 Special Permit Procedures

Special permits may be issued by special permit granting authorities in accordance with Mass. General Laws Chapter 40a, Section 9 and with the following regulations.

6.23 Public Hearing

Special permits shall only be issued following a public hearing held within sixty-five (65) days after filing an application with

the special permit granting authority, a copy of which shall forthwith be given to the Town Clerk by the applicant. The special permit granting authority shall take final action on an application for special permit within ninety (90) days following the public hearing. Failure to do so shall constitute approval. A unanimous vote of a three member board and a vote of at least four-members of a five-member board is required.

6.24 Application Procedures

1. All applications for special permits shall be made in writing on forms furnished by the Town Clerk and located in the Town Clerk's office and shall be accompanied by a site plan when required in accordance with Section 3.0, Schedule of Use Regulations
2. Misrepresentation of any of the required plan items shall be cause to revoke a special permit.

6.25 Expiration

All special permits that have no time restrictions imposed by the special permit granting authority shall lapse within two (2) years from the date the permit was granted, unless substantial use or construction has commenced and continues regularly.

6.26 Review Procedures

The Special Permit Granting Authority shall submit one copy of said application and plan to the Board of Appeals, the Planning Board, the Board of Health, and the Conservation Commission for their review. Said Boards and Commission shall within thirty (30) days make recommendations as they deem appropriate and shall send copies thereof to the Special Permit Granting Authority and to the applicant in accordance with Chapter 40A, Section 11 of the Mass. General Laws.

6.27 Criteria

Where a special permit may be authorized by the Special Permit Granting Authority under this bylaw, said Authority may grant, upon written application, such special permit if it finds, among other things:

1. That the proposed use would be suitably located in the neighborhood in which it is proposed and/or the total town;
2. That the use will be reasonably compatible with the character and scale of other uses permitted as of right in the same district.
3. That the use will not constitute a nuisance by reason of an unacceptable level of air or water pollution, excessive noise or visually flagrant structures and accessories.
4. That adequate and appropriate facilities will be provided for the proper operation of the proposed use, including special attention to safe vehicular circulation.

5. The proposed use shall comply with the environmental performance standards specified in Section 5.2 of this bylaw.
6. The proposed use shall comply with any and all additional special permit criteria or special use regulations imposed on individual uses in Section V of this bylaw.
7. The proposal will not create traffic congestion or impair pedestrian safety. Provision shall be made for convenient and safe vehicular and pedestrian circulation within the site and in relation to adjacent streets, property or improvements.
8. The proposed project shall not create a significant adverse impact to the quality of surface water or groundwater during and after construction, and provision shall be made for maximizing groundwater recharge.
9. The design of the project shall provide for adequate methods of disposal of sewage, refuse or other wastes generated by the proposed use.
10. The design of the project shall minimize the visibility of visually degrading elements and protect the neighboring properties from potentially detrimental or offensive uses through the use of screening or vegetated buffer zones.
11. In reviewing site plans submitted with a special permit application, the Special Permit Granting Authority shall consider the site plan submittal and approval requirements of Section.

6.28 Conditions, Safeguards, Limitations

In granting a special permit, the special permit granting authority may, in accordance with MGL Chapter 40A, impose conditions, safeguards, and limitations. Such conditions, safeguards, and limitations shall be in writing and may include but are not limited to the following:

1. Setback, side and rear yards greater than the minimum required in this bylaw.
2. Screening of parking areas or other parts of the premises from adjoining properties or from streets by the use of walls, fences, plantings or other such devices.
3. Limitations of size, number of occupants, method or time of operation or extent of facilities.
4. Modification of the exterior design or appearance of buildings, structures, signs, or landscape materials.
5. Additional parking, loading or traffic requirements beyond the minimum required in the bylaw.
6. Measures to protect against environmental pollution.
7. Performance bond or other security to ensure that the project meets the conditions specified in the special permit.

6.29 Changes, Alterations, Expansion

Any substantial change, alteration or expansion of a use allowed by special permit shall require a special permit from the appropriate special permit granting authority.

6.3 SITE PLAN APPROVAL

6.30 Projects Requiring Site Plan Approval

No special permit or building permit shall be issued for any of the following uses:

1. the construction or exterior alteration of a commercial structure;
2. the construction or exterior alteration of an industrial structure;
3. residential developments requiring approval under the Subdivision Control Law (M.G.L. Chapter 41);
4. any other use specified in Section 3.0, Schedule of Use Regulations, which indicates Site Plan Approval is required;

Unless a site plan has been endorsed by the Planning Board, after consultation with other boards, including but not limited to the following: Building Inspector, Board of Health, Board of Selectmen, Conservation Commission, Highway Department, Fire Department and Police Department. The Planning Board may waive any or all requirements of site plan review for external enlargements of less than 25% of the existing floor area.

6.31 Purpose

The purpose of site plan approval is to further the purposes of this bylaw and to ensure that new development is designed in a manner which reasonably protects visual and environmental qualities and property values of the Town, and to assure adequate drainage of surface water and safe vehicular access.

6.32 Application

Each application for Site Plan Approval shall be submitted to the Planning Board by the current owner of record, accompanied by eight (8) copies of the site plan. The Planning Board shall, within five days, transmit one copy each to the Building Inspector, Board of Health, Conservation Commission, Board of Selectmen, Highway Department, Fire Department and Police Department.

The Planning Board shall obtain with each submission, a deposit sufficient to cover any expenses connected with a public hearing and review of plans, including the costs of any engineering or planning consultant services necessary for review purposes.

6.33 Required Site Plan Contents

All site plans shall be prepared by a registered architect, landscape architect, or professional engineer unless this requirement is waived by the Planning Board because of unusually simple circumstances. All site plans shall be on standard 24" x 36" sheets and shall be prepared at a sufficient scale to show:

1. The location and boundaries of the lot, adjacent streets or ways, and the location and owner's names of all adjacent properties.
2. Existing and proposed topography including contours, the location of wetlands, streams, waterbodies, drainage swales, areas subject to flooding, and unique natural land features.
3. Existing and proposed structures, including dimensions and elevations.
4. The location of parking and loading areas, driveways, walkways, access and egress points,
5. The location and a description of all proposed septic systems, water supply, storm drainage systems, utilities, and refuse and other waste disposal methods.
6. Proposed landscape features including the location and a description of screening, fencing and plantings.
7. The location, dimensions, height and characteristics of proposed signs.
8. The location and a description of proposed open space or recreation areas.

The Planning Board may waive any information requirements it judges to be unnecessary to the review of a particular plan.

6.34 Procedures for Site Plan Review

1. The Planning Board shall refer copies of the application within 15 days to the Conservation Commission, Board of Health and Building Inspector, who shall review the application and submit their recommendations and comments to the Planning Board. Failure of Boards to make recommendations within 35 days of the referral of the application shall be deemed to be lack of opposition.
2. The Planning Board shall hold a public hearing within sixty-five (65) days of the receipt of an application and after due consideration of the recommendations of the Board shall take final action within 90 days from the time of hearing.
3. The period of review for a special permit requiring site plan approval shall be the same as any other special permit and shall conform to the requirements of Chapter 40A, Section 9, "Special Permits". Specifically, a joint public hearing to address the Special Permit application and Site Plan Approval application shall be held within sixty-five (65) days of the filing of a special permit application with the Planning Board or Board of Appeals. The Planning Board shall then have 90 days following the public hearing in which to act.

6.35 Site Plan Review Criteria

The following criteria shall be considered by the aforementioned Boards in the review and evaluation of a site plan, consistent with a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which it is located:

1. If the proposal requires a special permit, it must conform to the special permit requirements as listed in Section 6.2 of this Bylaw.
2. The development shall be integrated into the existing terrain and surrounding landscape, and shall be designed to protect abutting properties and community amenities. Building sites shall, to the extent feasible: (a) minimize use of wetlands, steep slopes, floodplains, hilltops; (b) minimize obstruction of scenic views from publicly accessible locations; (c) preserve unique natural or historical features; (d) minimize tree, vegetation and soil removal and grade changes; and (e) maximize open space retention; and (f) screen objectionable features from neighboring properties and roadways.
3. Architectural style shall be compatible with the rural/historic character and scale of buildings in the neighborhood and the Town through the use of appropriate building materials, screening, breaks in roof and wall lines and other architectural techniques. Variation in detail, form and siting shall be used to provide visual interest and avoid monotony. Proposed buildings shall relate harmoniously to each other with adequate light, air, circulation, and separation between buildings.
4. The development shall be served with adequate water supply and waste disposal systems. For structures to be served by on-site waste disposal systems, the applicant shall submit a septic system design prepared by a Certified Engineer and approved by the Board of Health.
5. The plan shall maximize the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways. The plan shall describe estimated average daily and peak hour vehicle trips to be generated by the site and traffic flow patterns for vehicles and pedestrians showing adequate access to and from the site and adequate circulation within the site.
6. The site plan shall show adequate measures to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, and to prevent changes in groundwater levels, increased run-off and potential for flooding. Drainage shall be designed so that runoff shall not be increased, groundwater recharge is maximized, and neighboring properties will not be adversely affected.
7. The development will not place excessive demands on Town services and infrastructure.
8. Electric, telephone, cable TV, and other such utilities shall be underground where physically and environmentally feasible.

9. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be set back or screened to protect the neighbors from objectionable features.

10. The site plan shall comply with any zoning requirements for parking, loading, dimensions, environmental performance standards, and all other provisions of this bylaw.

Before approval of a site plan, the reviewing board may request the applicant to make modifications in the proposed design of the project to ensure that the above criteria are met.

6.36 Final Action

The Planning Board's final action shall consist of either:

1. A determination that the proposed project will constitute a suitable development and is in compliance with the criteria set forth in this bylaw;
2. A written denial of the application stating the reasons for such denial, or;
3. Approval subject to any conditions, modifications and restrictions as the Planning Board may deem necessary.

6.37 Enforcement

1. The Planning Board may require the posting of a bond to assure compliance with the plan and conditions and may suspend any permit or license when work is not performed as required.
2. Any special permit with site plan approval issued under this section shall lapse within one (1) year if a substantial use thereof has not commenced sooner except for good cause.
3. The Planning Board may periodically amend or add rules and regulations relating to the procedures and administration of this section.

6.4 VARIANCES
(same as existing bylaw)

6.5 AMENDMENT
(same as existing bylaw)

6.6 VALIDITY
(same as existing bylaw)

6.7 PREVIOUS BYLAWS
(same as existing bylaw)

6.8 PENALTY
(same as existing bylaw)

6.9 PREVIOUS PERMITS
(same as existing bylaw)

7.0 SUBDIVISION LIMITATION
(same as existing bylaw)

GRANBY GROWTH MANAGEMENT STRATEGY

Part Two:

PROPOSED NON-ZONING GROWTH
MANAGEMENT STRATEGIES

Proposed Town Meeting Warrant Article:

Town Commitment Toward Agricultural
Preservation Restriction Program

To see if the Town will raise and appropriate (\$) to assist the Department of Food and Agriculture of the Commonwealth of Massachusetts for the Town's share in the co-holding and purchasing of Agricultural Preservation Restrictions on a farm or farms in Granby as provided under Chapter 132A, Sections A-D, and Chapter 184, Sections 3-11, of the Massachusetts General Laws.

Proposed Action to Initiate an Agricultural Incentive Area:

PETITION TO GRANBY BOARD OF SELECTMEN

We, the undersigned, hereby petition to the Granby Board of Selectmen to establish an agricultural incentive area committee pursuant to the Massachusetts Right to Farm Law, Chapter 613 of the Acts of 1985.

As provided by state law, the Board of Selectmen may appoint a committee which "shall consist of seven members appointed by the board of selectmen" and "shall include one member of the board of selectmen, one member of the planning board, one member of the conservation commission, three residents of the municipality whose principal occupation is agriculture or horticulture and one person from the public at large".

The responsibilities of this committee should include:

1. To map all land in agricultural or horticultural use within the town, indicating soils, property boundaries, ownership, and present zoning.
2. To inform the public and all affected landowners of the purposes and requirements of agricultural incentive areas, using printed information and public meetings.
3. To make recommendations regarding the formation of an agricultural incentive area, provided that no land may be included in the incentive area unless the owner of the land has given prior written approval.
4. To hold a public hearing on the agricultural incentive area plan, and following the hearing, vote to accept or reject the plan.
5. If the plan is adopted, to submit the plan to the Commissioner of food and agriculture for certification.
6. To submit the certified plan to the board of selectmen. Approval of the plan requires a two-thirds majority vote of town meeting.

As provided by state law, participation in the agricultural incentive area is voluntary. Landowners which give written approval to participate in an agricultural incentive area are eligible for incentives including:

1. Priority eligibility for the Agricultural Preservation Restriction Program;
2. Protection from nuisance actions related to odor from normal maintenance of livestock or the spreading of manure on farmlands, or noise from livestock or farm equipment used in normal, generally acceptable farming procedures, or from plowing or cultivation operations upon farmlands.
3. Reduced property taxes as provided by Chapter 61a;

4. Protection from special or betterments assessments imposed by the community.

NAME

CURRENT ADDRESS

0550C

PROPOSED TOWN MEETING ARTICLE

TO ESTABLISH A LAND BANK

"To see if the Town will vote to petition the Massachusetts General Court to enact legislation that would:

- a. authorize the collection by the Town of a land transfer fee not to exceed two percent (2%) of the purchase price upon the transfer of real property interests located in the Town, and the establishment of exemptions from the fee, as may be provided by (a two-thirds) vote at Town Meeting;
- b. establish a Land Bank fund in the Town treasury; and
- c. authorize the Conservation Commission/Land Bank Commission to use said fund for the purchase of rehabilitation of certain categories of land and interests therein to be permanently held in a (Town) Open Space Land Bank, and for the management and maintenance of such lands, in order to conserve open space, protect the environment and preserve natural beauty in the Town, as may be provided by Town Meeting.

Debt incurred for the purposes of this Act, whether incurred before or after acceptance of the Act, may be retired or refinanced by expenditures from the fund established hereunder.

Provided that the authority granted herein shall not reduce state tax revenues pursuant to G.L. Chapter 62F Section 4."

Proposed Wetlands Protection Bylaw

TOWN OF GRANBY MODEL WETLANDS PROTECTION BYLAW

Section 1: Purpose

The purpose of this bylaw is to protect the wetlands, related water resources, and adjoining land areas in the Town of Granby by prior review and control of activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon wetland values, including but not limited to the following: public water supply, private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, prevention of water pollution, fisheries, wildlife, wildlife habitat, recreation, and aesthetic values; these values are to be known collectively as the "wetland protected by this bylaw".

Section 2: Jurisdiction

Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall remove, fill, dredge, build upon, or alter the following resource areas:

- a. Any freshwater wetland, riverine wetland, marsh, wet meadow, bog or swamp, or within one hundred (100) feet of said areas;
- b. Any bank or beach, or within one hundred (100) feet of said areas;
- c. Any lake, river, pond, or stream, whether intermittent or continuous, natural or manmade;
- d. Any land under aforesaid waters;
- e. Any land subject to flooding or inundation by groundwater, surface water, storm flowage, or within one hundred (100) feet of said areas;
- f. Isolated wetlands including kettle holes, or within one hundred (100) feet of said areas;
- g. Seasonal wetlands, or within one hundred (100) feet of said areas.

Section 3: Exceptions

The application and permit required by this bylaw shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging (more than 50% of structure area), an existing or lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph or other telecommunication services, sanitary sewers and storm sewers, provided that the structure or facility is not substantially changed or enlarged, provided that written notice has been given to the Commission at least forty-eight (48) hours prior to commencement of work, and provided that the work conforms to performance standards in regulations adopted by the Commission.

The application and permit required by this bylaw shall not apply to emergency projects necessary for the protection of the health or safety of the public, provided that the work is to be performed by or has been ordered to be

performed by an agency of the Commonwealth or a political subdivision thereof, provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within twenty-four (24) hours after commencement, provided that the Conservation Commission or its agent certifies the work as an emergency project, provided that the work is performed only for the time and place certified by the Conservation Commission for the limited purposes necessary to abate the emergency, and provided that within twenty-one (21) days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided in this bylaw. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

The application and permit required by this bylaw shall not be required for work performed for the normal maintenance or improvement of lands in agricultural use.

Section 4: Requests for Determinations and Applications for Permits

Any person desiring to know whether or not a proposed activity or an area is subject to this bylaw may request in writing a determination from the Commission. Such a request for determination shall contain data and plans specified by the regulations of the Commission.

The Commission in an appropriate case may accept as the request under this bylaw the Request for Determination of Applicability filed under the Wetlands Protection Act, G.L.c. 131, Sec. 40.

Written application shall be filed with the Commission to perform activities regulated by this bylaw affecting resource areas protected by this bylaw. The application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the environment. No activities shall commence without receiving and complying with a permit issued pursuant to this bylaw.

The Commission in an appropriate case may accept as the application and plans under this bylaw the Notice of Intent and plans filed under the Wetlands Protection Act, G.L.c. 131, Sec. 40.

At the time of an application request, the applicant shall pay a filing fee specified in regulations of the Commission. This fee is in addition to that required by the Wetlands Protection Act, G.L.C. 131, Sec. 40. In addition, the Commission is authorized to require the applicant to pay the costs and expenses of any expert consultant deemed necessary by the Commission to review the application. The Commission may waive the filing fee and costs and expenses for an application or request filed by a government agency, and may waive the filing fee for a request for determination filed by a person having no financial connection with the property which is the subject of the request.

Section 5: Public Notice and Hearings

An application or a request for determination shall be hand delivered or sent by certified mail to the Commission. The Commission shall notify all abutters according to the most recent records of the assessors, including those across a traveled way or body of water. The notice to abutters shall state where the request or application, including any accompanying documents, may be examined

or obtained. When a person requesting a determination is other than the owner, the request, the notice of the hearing and the determination itself shall be sent by the Commission to the owners as well as to the person making the request.

The Commission shall conduct a public hearing on any application or request for determination, with written notice given at the expense of the applicant, (5) working days prior to the hearing, in a newspaper of general circulation in the Town of Monson. The Commission in an appropriate case may combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act, G.L.C. 131, Sec. 40.

The Commission shall commence the public hearing within twenty-one (21) days from receipt of a completed application or request for determination, unless the applicant extends the twenty-one (21) day time period by a signed written waiver.

The Commission shall have authority to continue the hearing to a date certain announced at the hearing or to an unspecified date, for reasons stated at the hearing, which may include the receipt of additional information offered by the applicant or others, information and plans required of the applicant, deemed necessary by the Commission in its discretion, or comments and recommendations of boards and officials listed in Section 6. If a date for continuation is not specified, the hearing shall reconvene within twenty-one days after the submission of a specified piece of information or the occurrence of a specified action. The date, time and place of said continued hearing shall be published in a newspaper of general circulation in the Town of Monson five (5) working days prior to the continuation, at the expense of the applicant, and written notice shall be sent to any person who so requests in writing.

The Commission shall issue its permit or determination in writing within twenty-one (21) days of the close of the public hearing thereon.

Section 6: Coordination with Other Boards

Any person filing a permit application or a request for determination with the Commission shall provide written notice thereof at the same time, by certified mail or hand delivery, to the Board of Selectmen, Planning Board, Zoning Board of Appeals, Board of Health, Town Engineer, and Building Commissioner. The Commission shall not take final action until such boards and officials have had fourteen (14) days from receipt of notice to file written comments and recommendations with the Commission, which the Commission shall take into account but which shall not be binding on the Commission. The applicant shall have the right to receive any such comments and recommendations, and to respond to them at a hearing of the Commission, prior to final action.

Section 7: Determinations, Permits, and Conditions

The Commission shall have the authority, after a public hearing, to determine whether a specific parcel of land contains or does not contain resource areas protected under this bylaw. If the Commission finds that no such resource areas are present, it shall issue a negative determination.

If the Commission, after a public hearing on the permit application, determines that the activities which are the subject of the application are

likely to have a significant or cumulative detrimental effect upon the wetland values protected by this bylaw, the Commission, within twenty-one (21) days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions.

The Commission is empowered to deny a permit for failure to meet the requirements of this bylaw, for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent significant or cumulative detrimental effects upon the wetland values protected by this bylaw; and where no conditions are adequate to protect those values.

A permit shall expire three years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed once for an additional one year period.

For good cause the Commission may revoke or amend a permit issued under this bylaw after public notice and public hearing, and notice to the holder of the permit.

The Commission in an appropriate case may combine the permit or other action on an application issued under this bylaw with the Order of Conditions or other action issued or taken under the Wetlands Protection Act, G.L.C. 131, Sec. 40.

Section 8: Regulations

After public notice and public hearing, the Commission shall promulgate rules and regulations to accomplish the purposes of this bylaw. These regulations shall be consistent with the terms of this bylaw. The Commission may amend the rules and regulations after public notice and public hearing.

Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this bylaw.

Unless otherwise stated in this bylaw or in the rules and regulations promulgated under this bylaw, the definitions, procedures, and performance standards of the Wetlands Protection Act, G.L.C. 131, Sec. 40 and associated Regulations, 310 CMR 10.00 as promulgated April 1983, shall apply.

Section 9: Definitions

The following definitions shall apply in the interpretation and implementation of this bylaw:

The term "person" shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town bylaws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

The term "alter" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this bylaw:

- a. Removal, excavation or dredging of soil, sand, gravel, clay, minerals, or aggregate materials of any kind;
- b. Changing of preexisting drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns, or flood retention characteristics;
- c. Drainage or other disturbance of water level or water table;
- d. Dumping, discharging or filling with any material which may degrade water quality;
- e. Placing of fill, or removal of material, which would alter elevation;
- f. Driving of piles, erection or repair of buildings, or structures of any kind;
- g. Placing of obstructions or objects in water;
- h. Destruction of plant life including cutting of trees;
- i. Changing water temperature, biochemical oxygen demand, or other physical, chemical or biological characteristics of surface and groundwater;
- j. Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater.

Section 10: Security

As part of a permit issued under this bylaw, in addition to any security required by any other municipal or state board, agency or official, the Commission may require that the performance and observance of the conditions imposed hereunder be secured wholly or in part by a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission.

In addition or in the alternative, the Commission may accept as security a conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality and observed before any lot may be conveyed other than by mortgage deed.

Section 11: Enforcement

The Commission, its agents, officers, and employees shall have the authority to enter upon privately owned land for the purpose of performing their duties under this bylaw and may make or cause to be made such examinations, suveys or samplings as the Commission deems necessary.

The Commission shall have authority to enforce this bylaw, its regulations, and permits issued thereunder by violation notices, administrative orders, and civil and criminal court actions.

Upon request of the Commission, the Selectboard and the Town Counsel will take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under criminal law.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person who violates any provision of this bylaw, regulations thereunder, or permits issued thereunder, shall be punished by a fine of not more than three-hundred dollars (\$300). Each day or portion thereof during which a violation continues shall constitute a separate offense, and each provision of the bylaw, regulations, or permit violated shall constitute a separate offense. This fine may be in addition to any levied under the Wetlands Protection Act, G.L.c. 131, Sec. 40.

In the alternative to criminal prosecution, the Commission may elect to utilize the non-criminal disposition procedure set forth in G.L.c. 40, Sec. 21D.

Section 12: Burden of Proof

The applicant for a permit shall have the burden of proving by a preponderance of credible evidence that the work proposed in the application will not have any significant or cumulative detrimental effect upon the wetland values protected by this bylaw. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

Section 13: Relation to the Wetlands Protection Act

This bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act, G.L.c. 131, Sec. 40, and the regulations thereunder.

Section 14: Severability

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been used.

